



# California Regulatory Notice Register

REGISTER 2005, NO. 21-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 27, 2005

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest code of the following:

#### BAY AREA WATER SUPPLY & CONSERVATION AGENCY

A written comment period has been established commencing on **May 27, 2005** and closing on **July 11, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Tara Stock, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code, proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code. Any written comments must be received no later than **July 11, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Tara Stock, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

AMENDMENTS

STATE AGENCIES:

**Office of the Treasurer**

A written comment period has been established commencing on **May 20, 2005**, and closing on **July 4, 2005**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than July 4, 2005. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS  
AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

AMENDMENTS

STATE AGENCIES:

**Public Utilities Commission**

A written comment period has been established commencing on **May 27, 2005**, and closing on **July 11, 2005**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Govern-



ment Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code. Any written comments must be received no later than July 11, 2005. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

#### AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

#### ADOPTION/AMENDMENT

#### VICTOR VALLEY COMMUNITY COLLEGE OFFICE OF ADMINISTRATIVE LAW

A written comment period has been established commencing on **May 27, 2005** and closing on **July 11, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 11, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were

mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

#### **EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### **REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### **AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 3. DEPARTMENT OF PESTICIDE REGULATION**

Pertaining to Pest Control Adviser Licenses for  
Public Agency Employees  
DPR Regulation No. 05-003

#### **NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Pesticide Regulation (DPR) proposes to adopt section 6551 of Title 3, California Code of Regulations (3 CCR). The proposed regula-

tory action pertains to pest control adviser (PCA) licensing requirements for persons employed by any federal, state, county or local public agency, except those specifically exempted in Food and Agricultural Code (FAC) section 12001, who write recommendations for any agricultural use.

#### **SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on July 11, 2005. Comments regarding this proposed action may also be transmitted via e-mail <dpr05003@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing is not scheduled; however, a public hearing will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

#### **EFFECT ON SMALL BUSINESS**

DPR has determined that the proposed regulatory action will not result in any new impacts on small businesses.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight begins with product evaluation and registration and continues through statewide licensing of commercial applicators, dealers, and consultants, environmental monitoring, and residue testing of fresh produce. This statutory scheme is set forth primarily in FAC Divisions 6 and 7.

DPR's Licensing and Certification Program administers and certifies examinations and licenses restricted material pesticide applicators, pest control aircraft pilots, pest control businesses, pesticide dealers, and agricultural PCAs.

Currently, FAC section 12001 states, “No person shall act, or offer to act, as an agricultural pest control adviser without first having secured an agricultural pest control adviser license from the director. Officials of federal, state, and county departments of agriculture and the University of California personnel engaged in official duties relating to agricultural use are exempt from this section if any recommendation by any of these persons as to a specific application on a specific parcel is made in writing. Officials of districts formed pursuant to Chapter 4 (commencing with section

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.



5780) of Division 5 of the Public Resources Code are exempt from this section until July 1, 1995, if any recommendation by any of these persons as to a specific application on a specific parcel is in writing.”

FAC section 11410 was enacted (Chapter 1276, Statutes of 1971) to define an agricultural PCA to mean any person who as a requirement of, or incidental to, his employment or occupation, offers a recommendation to a producer of an agricultural product or to any public or private agency concerning any agricultural use or who holds himself forth as an authority or general adviser on any agricultural use to a producer of an agricultural product. It also exempted all federal, state, and county officials and University of California personnel who participated in agricultural practices involving the use of pesticides. Currently, section 11410 defines an agricultural PCA as any person who offers a recommendation on any agricultural use, who holds himself or herself forth as an authority on any agricultural use, or who solicits services or sales for any agricultural use. From the legislative history (Assembly Journal for Senate Bill 1021), it is apparent that from its inception this law was not intended to apply to employees of a firm discussing pest control pertaining to agricultural use of pesticides on that firm’s property; however, the express exemption of specified government employees in both FAC sections 11410 and 12001 reflect the intent of these statutes to include government employees who make agricultural pest control decisions within the scope of the licensing requirements.

Over the years, both sections of the FAC have been amended on several occasions to clarify who requires a PCA license, who is exempt from the requirements, and to provide time frames by which certain individuals have to comply with the licensing requirements. The statutory changes and differing administrative interpretations of those changes resulting from the unclear construction and wording of the statutes have led to confusion and ambiguity regarding PCA licensing requirements for government employees even though the original intent to license these employees has remained unchanged. Clarification of the law must be made through regulation to remove any confusion and ambiguity.

DPR proposes to adopt section 6551 to clarify the original intent of section 12001 and to implement the express statutory purpose of FAC relating to pesticides by explicitly requiring any person who is employed by any federal, state, county or local public agency, except those specifically exempted in FAC section 12001, who make recommendations for any agricultural use, to be licensed by the Director.

#### **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

DPR has determined that the proposed regulatory action does impose a mandate on local agencies or school districts. It does not require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action clarifies an existing requirement that local governmental agencies have a licensed PCA on staff to make agricultural use pest control recommendations on public lands. It does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. The county agricultural commissioners are not impacted by the regulatory action.

#### **COSTS OR SAVINGS TO STATE AGENCIES**

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action since the proposed adoption clarifies existing statutory requirements.

#### **EFFECT ON FEDERAL FUNDING TO THE STATE**

DPR has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

#### **EFFECT ON HOUSING COSTS**

DPR has made an initial determination that the proposed actions will have no effect on housing costs.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES**

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

DPR has made an initial determination that adoption of this regulation will not have a significant cost impact on representative private persons or businesses since the regulatory action only addresses PCA licensing requirements for federal, state, and local governmental agencies. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

**IMPACT ON THE CREATION, ELIMINATION,  
OR EXPANSION OF JOBS**

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

**CONSIDERATION OF ALTERNATIVES**

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

**AUTHORITY**

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 12005.

**REFERENCE**

This regulatory action is to implement, interpret, or make specific FAC sections 11501 and 12001.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS**

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does not make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

**AGENCY CONTACT**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of

Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street  
P.O. Box 4015  
Sacramento California 95812-4015  
(916) 445-3991

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning this proposal, may be directed to the following person at the same address as noted above:

Ada Ann Scott, Manager  
Pest Management and Licensing Branch  
Department of Pesticide Regulation  
(916) 445-4118

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 11. COMMISSION ON  
PEACE OFFICER STANDARDS  
AND TRAINING**

**Background Investigations—Regulations 1002,  
1007, 1018 & Procedure C-1 and related changes  
in Regulation 1008 and Procedures D-1, D-11,  
H-3 and H-4**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST) and 13506 (Commission on POST authority to adopt regulations) and 13510 (Commission on POST authority to establish minimum standards relating to that govern the recruitment of peace officers and public safety dispatchers). This proposal is intended to interpret, implement, and make specific Penal Code sections 13503(e)—Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs

involving training and education courses, 13510—Commission on POST authority to adopt and amend rules establishing minimum standards for California local law enforcement officers, and 13510.5—Commission on POST authority to adopt and amend standards for certain other designated California peace officers.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pre-employment background investigations are required for peace officer, reserve peace officer, and public safety dispatcher candidates, prior to appointment to the position. As stipulated in Regulations 1002 (peace officers), 1007 (reserve peace officer), and 1018 (public safety dispatchers), the background investigation is intended to ensure good moral character and to verify the absence of past behavior indicative of unsuitability to perform job duties.

POST Regulation 1002 lists the minimum selection standards for employment of peace officers. In addition, specifics on the required components of a peace officer background investigation are detailed in Commission Procedure C-1, "Personal History Investigation," which is incorporated by reference into Regulation 1002.

In contrast, the requirements for the conduct of public safety dispatcher background investigations are located solely in Regulation 1018(c)(1). No other information currently exists to guide agencies in the proper and lawful conduct of background investigations for public safety dispatchers.

The Commission is proposing to make non-substantive changes to the requirements associated with the conduct of background investigations for both peace officer and public safety dispatcher candidates. These changes include amending Procedure C-1—Personal History Investigation—to incorporate requirements for the conduct of background investigations for public safety dispatchers in addition to those for peace officers. This addition will serve to clarify and highlight both the similarities and differences in the mandated background investigation procedures for these two classifications. This in turn will help law enforcement agencies ensure that their investigations are comprehensive, job-relevant, and consistent with the many statutes (federal and state) that have an impact the conduct of background investigations for these classifications.

The Commission is also proposing to make editorial changes to POST Regulations 1002 (peace officers), 1007 (reserve officers), and 1018 (public safety dispatchers). Regulation 1002 will be changed to better reflect the role that the background investigation plays in assessing not only moral character, but the other legal requirements stipulated in Government

Code 1031(a-e). A minor editorial change to Regulation 1002(a)(9)—to exempt reserve officers from reading and writing assessments—allows for the elimination of the largely redundant Regulation 1007(a). Third and last, suggested changes to Regulation 1018 will better align the background investigation requirements for public safety dispatchers with those of peace officers, and indicate that specifics on the conduct of those investigations are also contained in Procedure C-1.

None of the proposed changes would result in additional background investigation requirements for dispatchers, peace officers, or reserve officers.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on July 11, 2005. Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

#### ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

#### TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS

The following information regarding the proposed regulatory action is provided on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

- POST bulletin and Notice of Proposed Regulatory Action



- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2005-10. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

#### **ESTIMATE OF ECONOMIC IMPACT**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

#### **ASSESSMENT**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

#### **CONSIDERATION OF ALTERNATIVES**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### **CONTACT PERSONS**

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Shelley Spilberg, Ph.D., Personnel Selection Consultant; she may be reached by telephone at 916.227.4824, or by email at Shelley.Spilberg@post.ca.gov.

### **TITLE 13. CALIFORNIA HIGHWAY PATROL**

#### **NOTICE OF PROPOSED REGULATORY ACTION**

##### **TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5 AMEND ARTICLE 7.5, SECTION 1239**

##### **COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-04-06)**

The California Highway Patrol (CHP) proposes to adopt by reference the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, January 1, 2004, in Title 13, California Code of Regulations (13 CCR). The current regulation adopts by reference the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2002.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 34501(a)(1) of the California Vehicle Code (VC) authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 VC. The CHP's authority

to adopt regulations includes, but is not limited to, controlled substances and alcohol testing of drivers by motor carriers, drivers hours-of-service qualifications, equipment, fuel containers, fuel operations, inspection, maintenance, record keeping, accident reports and drawbridges. Section 2402 VC provides the Commissioner with the authority to "make and enforce such rules and regulations as may be necessary to carry out the duties of the Department" and Section 2410 VC provides the authority for the CHP to place vehicles out of service (Attorney General's Opinion NS 2520) in order to "ensure safety." Current regulations, adopt by reference the Commercial Vehicle Safety Alliance North America Standard Out-of-Service Criteria, April 1, 2002 Edition, and apply to those vehicles listed in Sections 260, 322, 15210 and 34500.

The intent of these regulations is to adopt specific uniform criteria for determining whether or not a vehicle and/or driver, inspected by a member of the CHP, is in such an unsafe condition that they are likely to constitute a hazard on a highway. These regulations will incorporate by reference specified portions of the standards contained within the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, January 1, 2004 Edition. Adoption of this criteria will continue to provide consistency throughout California, with neighboring states, Canada and Mexico, and provide a regulatory basis for enforcement efforts as they relate to commercial vehicle out-of-service criteria.

#### PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Officer Kevin Gibbons  
P. O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, July 12, 2005, or at the scheduled hearing

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

#### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above

address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section, at (916) 445-1865. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the requestors information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Suite 310, Sacramento, California. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

#### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or questions regarding the substance of the proposed regulations should be directed to Officer Kevin Gibbons or Lieutenant Steve Dowling, CHP, Commercial Vehicle Section, at (916) 445-1865.

#### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15-days prior to the date of adoption.

#### FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.



**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES**

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON SMALL BUSINESSES**

The California Highway Patrol has determined that the proposed regulatory action has minimal affect on small businesses.

**ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**AUTHORITY**

This regulatory action is being taken pursuant to Sections 2402, 2410, 31401 and 34501(a) VC.

**REFERENCE**

This action implements, interprets, or makes specific Sections 260, 322, 2402, 2410, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506 and 34510 VC.

**TITLE 14. BOARD OF FORESTRY  
AND FIRE PROTECTION**

**NOTICE OF PROPOSED RULEMAKING**

**AB 2420, Forest Fire Prevention Exemption, 2005**

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

**Amend 14 CCR § 1038(e) Exemption**

**Adopt 14 CCR § 1038(i) Exemption**

**Amend 14 CCR § 1038.2 Exemption Form**

**PUBLIC HEARING**

The Board will hold a public hearing starting at 9:00 A.M., on Thursday, July 14, 2005, at Feather River College, Gallery Room 519, 570 Golden Eagle Avenue, Quincy, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, July 11, 2005. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9th Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

**AUTHORITY AND REFERENCE**

Public Resources Code (PRC) 4551 and 4554.5 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific sections 4512, 4513 and 4561 of the Public Resources

Code. Reference: Public Resources Code sections 4513, 4551.5, 4561 and 21080.5.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is promulgating a regulation necessary to implement a legislative amendment to Public Resource Code (PRC) 4584 (k) authorized under Assembly Bill (AB) 2420, known as the Forest Fire Protection Act of 2004. This legislation authorized the Board to create a Forest Fire Prevention Exemption. This new class of Exemption would exempt persons who conduct timber operations from preparing and submitting Timber Harvest Plans, completion reports, and stocking reports when harvesting trees and other commercial forest products for the purpose of reducing the rate of fire spread, fire duration and intensity, fuel ignitability, and ignition of tree crowns.

### SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation addresses wildfire issues by treating surface, ladder and, crowns of trees, for reduction of fire hazard needed for immediate and long term preservation of the public peace, health and safety, and the general welfare. The treatments required by AB 2420 include reducing tree crowns to no less than 40-60 percent crown closure, increasing height to live crown base distance to greater than eight feet, reduction of surface fuel to meet a four foot flame length fire behavior objective, and limited removal of trees less than 18 to 24 inches stump diameter with prioritization on removal of smaller trees contribute to meeting fuel hazard reduction goals.

Substantive requirements and limitations of the proposed regulation include:

- Maximum project area of 300 acres per exemption.
- A Registered Professional Forester must prepare the exemption notice, describe the pre and post harvest forest conditions, be involved in the designation of harvest trees, consult with timber operations conducting the logging, and prepare archaeological assessments.
- Post harvest conditions shall have larger average tree diameters than pre harvest conditions, meet minimum stocking requirements and have minimum canopy closures.
- Limit tree harvest to a maximum 18 inches stump diameter except 500 feet from structures where harvest is a maximum 24 inches stump diameter when justified.
- Ladder fuels treated to create 8 foot separation between live trees crown and surface fuels.
- Surface fuels, including existing live and dead vegetation and slash created during harvesting

operations, treated to achieve a goal of four foot flame lengths when burned under severe fire weather conditions.

- The Department of Forestry and Fire Protection (CDF) to conduct an on-site inspection after timber operations are completed.
- The exemption would sunset on January 1, 2008.

The general scope of the rule is private timberlands with hazardous fuel conditions, permitted structures within and outside of the community areas, and approved fire suppression ridges. The primary target groups are small timberland owners, who often have the least means and capability to complete fuel reduction projects.

The proposed regulation addresses the hazardous wildfire situation on private timberlands by providing regulatory relief for expedited fuel hazard reduction of live and dead fuels. The proposed regulation adds a new class of Exemption. The new class of exemption provides regulatory cost relief to those harvesting commercial timber under the parameters of this regulation. By permitting the fuel hazard reduction treatments to be exempt from the preparation of a Timber Harvesting Plan, significant cost savings are accrued by the submitter do to the elimination of costly Plan preparation.

### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: The regulation will result in unknown annual net General Fund costs or savings over the next three years. General Fund costs will result from increased costs for completion inspections to the extent that landowners who would otherwise file for a 150 foot fuels reduction exemption will instead file for an exemption authorized by this regulation. This is because CDF is not required to conduct an on-site post-harvest inspection for harvesting under the 150 foot exemption, but would be required to conduct an on-site post-harvest inspection under this regulation. Given CDF receives 1,000 to 1,400 exemption requests annually under the 150 foot fuels reduction exemption and some unknown portion of those exemption would switch to exemptions filed under this regulation, the fiscal impact related to the mandatory on-site post harvest inspection required by CDF is estimated to cause an increase in .5 to 1.0 person years of department staff.

Conversely, the regulation could result in General Fund savings to the extent that landowners who would otherwise file a Timber Harvest Plan (THP) will instead file for an exemption under this regulation. The THP review process is a costly process in which CDF, along with representatives from the Regional Water Quality Control Boards, the Department of Conservation, and the Department of Fish and Game review the THP, often conduct on-site inspections prior to harvest, and collect and respond to public comments. CDF also conducts an on-site post-harvest inspection for harvesting that occurs under a THP. A single THP review can result in General Fund costs ranging from \$30,000 to \$40,000 for harvesting under a THP. To the extent that the regulation causes landowners to file for an exemption under this regulation in place of filing a THP, the regulation would result in General Fund savings. The net impact of the regulation on inspection workload depends on the actions of the landowners and accordingly is extremely difficult to estimate.

The regulation also could result in unknown, potentially significant, General Fund cost avoidance by reducing forest fire risk and making it easier for CDF to contain fires while they are small; thereby preventing large conflagrations. CDF annually spends more than \$400 million from the General Fund on fire protection and suppression.

- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

- Effect on small business: The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone (916) 653-5602.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection

and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/  
board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 14. BOARD OF FORESTRY  
AND FIRE PROTECTION**

**Board of Forestry and Fire Protection  
Title 14 of the California Code of Regulations**

**NOTICE OF PROPOSED RULEMAKING**

**Road Management Plan, 2005**

The Board proposes to amend and adopt the following sections of Title 14 of the California Code of Regulations (14 CCR). Any previously-noticed similar versions of this regulation have been terminated in accordance to Government Code section 11346.7.

**Amend:**

- § 895 Abbreviations Applicable Throughout the Chapter

**Adopt Permanently:**

- § 1093 Road Management Plan
- § 1093.01 Relations to Plans
- § 1093.02 Management Unit
- § 1093.03 Road Management Plan Assessment
- § 1093.04 Content of Road Management Plan

- § 1093.05 Limitation on Information Requirements
- § 1093.06 RMP Effective Period
- § 1093.07 Review of Road Management Plan
- § 1093.08 Review Team to be Established to Review Road Management Plan
- § 1093.09 Amendments
- § 1093.10 Change of Ownership
- § 1093.11 Cancellation of an RMP by a Submitter
- § 1093.12 Termination by the Director

**PUBLIC HEARING**

The Board will hold a public hearing on Thursday, July 14, 2005, starting at 10:00 a.m., at Feather River College, Gallery Room 519, 570 Golden Eagle Avenue Quincy, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, July 11, 2005. The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9th Street  
Sacramento, CA



Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

#### AUTHORITY AND REFERENCE

Public Resources Code (PRC) 4551 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4513, 4514.3, 4551.5, 4551.7, 4552, 4553, 4562.5, 4562.7, 4562.9, and 4582 of the Public Resources Code. PRC 4513(b) states that one of the goals of the Z'berg-Nejedly Forest Practice Act is to consider watershed, wildlife, and fisheries. These regulatory changes will further that goal.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Forestry and Fire Protection (Board) is proposing changes to the Forest Practice Rules (FPRs) for development of a *Road Management Plan (RMP)* as a supplement to the Timber Harvest Plan (THP) process. The RMP provides a means for addressing long-term issues of sustained timber production and cumulative watershed effects from the transportation system on fish, wildlife, the beneficial uses of water, and watersheds on a landscape basis. A RMP specifies measures to be applied to a forest transportation system to protect, maintain, and enhance the beneficial uses of water and other environmental resources consistent with the objectives of the timberland owner. Among the general ways the RMP contributes to the beneficial uses of water is the following:

- The RMP provides a regulatory opportunity for the California Department of Forestry and Fire Protection (Department), other responsible agencies, and timberland owners to identify site-specific conditions that are impacting the beneficial uses of water, including anadromous salmonid protection, within the broader context of a logical hydrologic or ownership unit.
- The RMP promotes consultation between the responsible agencies and the timberland owner to address specific limiting factors for anadromous salmonids and other beneficial uses of water related to roads within an evaluation area before the development and review of individual harvest plan proposals.
- The RMP provides timberland owners the opportunity to establish a landscape level framework for addressing long-term issues of sustained timber production, and cumulative effects analysis that

includes the impacts of transportation systems on fish, wildlife, the beneficial uses of water, and watersheds.

The proposed regulation includes specific contents for the RMP. These include a goals and objectives element (long term plans and desired future conditions), an evaluation element (history, existing conditions, and constraints), an operational element (construction and use), a verification element (tracking and monitoring), and an adaptive management element (goal comparison and revisions).

The RMP may be submitted by a timberland owner(s) for the Department Director's review and approval and would meet California Environmental Quality Act (CEQA) requirements under the certification of the THP as a functional equivalent to an EIR.

In summary, the RMP provides the timberland owner and agencies a voluntary process to evaluate and reach solutions on limiting factors for anadromous fisheries and other beneficial uses of water. Those solutions are memorialized in a document that receives discretionary approval to allow subsequent tiering of THPs. The objective is a reduction in overall complexity and improved watershed level impact analysis.

#### REGULATION PURPOSE AND NECESSITY

##### **14 CCR § 895 Abbreviations Applicable Throughout the Chapter**

The California Forest Practice Rules commonly utilize abbreviations of technical terms in the regulation text that are generally recognized by federal and state agencies, as well as the forest products industry representatives. However, the Forest Practice Rules under 14 CCR § 895 (Abbreviations) do not include a comprehensive listing of applicable abbreviations for these terms. Abbreviations are being added to represent the Road Management Plan (RMP) to allow some brevity in the rules and for clarity. The proposed addition to the abbreviations is intended to ensure that the affected public, as well as the reviewing agencies understand what technical term the abbreviation represents. This is additionally intended to allow for brevity in the rule language and subsequently to increase the clarity of reading for the regulated public.

##### **14 CCR § 1093 Road Management Plan**

The purpose of this section of the proposed regulation is to state the intent and authorization for creating a RMP.

14 CCR § 1093(a) specifies that the term "plan" refers to a variety of projects or programmatic documents approved by the director.

14 CCR § 1093(b) and (c) specify the legislative intent and authorization of protecting water resources from potential effects of transportation system and the



intention of the RMP to be a supplement to a subsequent plan. 14 CCR § 1093 (b) and (c) are necessary to validate the need and intended application of the RMP. One of the key necessities of this provision is to permit the tiering between the RMP and other plans. By the Board's incorporation of subsections throughout the entire regulation, the RMP is yet another plan that meets the standards of PRC 21080.5 (CEQA) and the Secretary of Resources 1976 certification of the Forest Practice Rules. Such CEQA related subsections include the following:

- certain time limits for processing;
- longer time periods for public reviews (compared to THPs);
- a process to accommodate changes to the plan over its life;
- an appeal process;
- mandatory items needing evaluation;
- administrative remedies;
- alternatives language;

The rulemaking file, along with the rule language, contain specific components to meet the intent of PRC 21080.5 under the umbrella of the current THP certification. These documents represent a supplement to the THP. Individual THPs are still required, but may rely on information contained in the RMP to the degree issues are covered in them. The Board has established the general content of the requirements for RMPs as they relate long term protection of resources potentially impacted by road use, construction, reconstruction, maintenance, and abandonment; and identify protection for watershed values during logging operation.

14 CCR § 1093 (d) specifies the Article intent that informational or analytical support for a RMP shall be guided by the principles of practicality and reasonableness; no information or analysis shall be required that in the light of all applicable factors is not feasible. This is particularly related to RMP information on detailed future project information or information capability beyond those of a small landowner.

#### **14 CCR § 1093.01 Relation to Plans**

The purpose of this section of the proposed regulation is to state the connection between the RMP and subsequent plans that use the RMP. It clarifies that the RMP does not replace plan, but a subsequent plan may use the information contained in the RMP. This is the fundamental premise of the utility of the RMP.

#### **14 CCR § 1093.02 Management Unit**

The purpose of this section of the proposed regulation is to define the term "Management Unit" for use of the term throughout the regulation. This definition clearly discloses the physical boundaries needed to be analyzed in the RMP.

#### **14 CCR § 1093.03 Road Management Plan Assessment**

The Board establishes the RMP in this section and defines the goals and objectives to be achieved in the development of the plan. This section also requires the RMP be prepared by a Registered Professional Forester (RPF) and other licensed professionals as needed.

14 CCR § 1093.03 (1)–(3) requires incorporation of objectives to include meeting the long term transportation needs of the land owner, identification of environmental concerns affected by road management activities, and prioritization of activities that will enhance environmental protection.

14 CCR § 1093.03 (4) states the RMP will be prepared by a RPF, along with other professionals as necessary, and will contain certain approaches (familiar to RPF's) that provide for unique problem solving approaches.

#### **14 CCR § 1093.04 Content of Road Management Plan**

The Board provides that if a person chooses to submit an RMP, it shall contain a goals and objectives, evaluation, operational, verification and adaptive management elements, along with other basic disclosure information such as name, address and legal locations [subsections (a) and (b)].

Subsection (c)(1) sets out the required contents for the goals and objectives element. Subsection (c)(1)(A) requires documentation of the landowners planning process. Subsection (c)(1)(B) requires documentation of the landowner's long-term desired future conditions, performance standards, and priorities for the road system and beneficial uses of water.

Subsection (c)(2)(A–D) sets out the required contents for the evaluation element. Required as part of this element are:

- a description of the watershed within the plan;
- current transportation system status;
- significant constraints on management options;
- a description of the evaluation methods; and
- results of the evaluation.

Subsection (c)(3) sets out the required information on operational elements. Information on operations and schedules for road construction and reconstruction, road use restrictions for excessively dry and wet conditions, actions (i.e. maintenance) proposed to improve road conditions, abandonment plans, and contingency for emergencies are required.

Subsection (c)(4) sets out the required contents for the verification element. Requirements for a basic monitoring component for compliance and effectiveness of items specified in Subsection (c)(3) are established with requirements to report information to CDF and other review team agencies.

Subsection (c)(5) sets out the required contents for the adaptive management element. The preparer must provide a method to be used to incorporate updated information and operational changes to the original RMP. The method used to monitor progress being made towards meeting environmental goals and objectives must be provided.

**14 CCR § 1093.05 Limitation on Information Requirements**

The purpose of this section of the proposed regulation is to limit the amount of information required in a RMP when there are ownerships other than the RMP submitters' involved in the plan.

**14 CCR § 1093.06 RMP Effective Period**

The purpose of this section of the proposed regulation is to state a time limit for the implementation of a RMP and to provide an opportunity to renew it.

**14 CCR § 1093.07 Review of Road Management Plan (RMP)**

The purpose of this section of the proposed regulation is to state the Director shall review, approve or disapprove all submitted RMPs and describes the nature of the review including review by multi-disciplinary parties. Subsection (a) and (b) requires that a list of all RMPs be maintained at CDF offices and RMPs shall be provided to the public. Subsection (c) establishes the time frame for Director's review. Subsection (d) establishes public and agency noticing requirements and time frames. Subsection (e) establishes time frames and procedures for the Director's review of public input and makes a determination on conformance of the RMP to the rules. Subsection (f) states the disapproval response process. Subsection (d) describes the appeal process for both submitters and Head of Agency appeals.

**14 CCR § 1093.08 Review Teams to be Established to Review Road Management Plan**

The purpose of this section of the proposed regulation is to state that the review of submitted RMPs will incorporate review by multi-disciplinary parties and the nature of that review in accordance with exiting forest practice rule 14 CCR 1037.5.

**14 CCR § 1093.9 Amendments**

The purpose of this section of the proposed regulation is to state the process under which amendments to the RMP will be considered. Subsection (a) states the RMP will remain in effect until substantial changes in condition are identified. Subsection (b) states that substantial deviation proposed for amendment to an RMP may not be relied upon until the amendment is approved by the Director in the same procedure used to approve the original RMP.

Subsections (c) outline the actions to be taken or not taken when minor deviations from the RMP are proposed during its effective period. Subsections (d) states RMP amendments are not required to conduct changes to operations under emergencies.

**14 CCR § 1093.10 Change in Ownership**

The purpose of this section of the proposed regulation is to state the process when there is a change in ownership to lands submitted under an RMP. Such a change in ownership shall be in accordance with 14 CCR 1042, which includes notification to Director by the seller of the change in ownership and notification to the purchaser by the seller of stocking responsibility requirements.

**14 CCR § 1093.11 Cancellation of an RMP by the Submitter**

The purpose of this section of the proposed regulation is to state the conditions and processes under which cancellation of a RMP will occur.

**14 CCR § 1093.12 Termination by the Director**

The purpose of this section of the proposed regulation is to specific conditions under which the RMP may be terminated. Grounds for termination included failing to implement practices in the RMP, failing to conduct monitoring, or falsifying monitoring results.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The rule proposal may affect businesses and small business related to the timber industry by increasing the cost for timber harvesting. These potential extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance

costs for roads and watercourse crossings, and additional cost of professional consultations. There may also be additional cost associated with additional inspections.

The preparation and use of an RMP with a THP is not required but is an opportunity provided to THP submitters. As such, it is the responsibility of the timber/land owner to determine if the economic balance is in favor of proceeding under existing operational and planning requirements or to design site related actions specific to the owner's property.

Given this use of the regulation at the discretion of the individual or business, the Board staff does not anticipate that any increased costs will result in a significant, statewide adverse economic impact directly affecting business, nor has it determined that it will affect the ability of California businesses to compete with businesses in other states.

- Potential cost impact on private persons or directly affected businesses: As indicated above, the rule proposal will affect businesses and large and small landowners with an interest in the timber products industry by increasing the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, and additional cost of professional consultations
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, Chief Environmental Protection and Regulation, Department of Forestry and Fire Protection, at the above address and phone number (916) 653-5602.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using the following styles is also available from the contact person named in this notice:

- 1) language existing before 8/20/04 is shown in PLAIN TEXT,
- 2) language being proposed as either an amendment or new section is DOUBLE-SPACED AND SINGLE UNDERLINED,

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as

revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) Requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION**

### **NOTICE OF PROPOSED RULEMAKING**

#### **Transition Silviculture Method, 2005**

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Similar amendments to these proposed regulations were previously noticed by the Board in 2004. However, the effective period to complete the noticed regulation went beyond the one year time limit pursuant to Government Code 11346.4 of the Administrative Procedure Act. Since the Board did not complete the regulation within this time period, a notice of the proposed action shall again be issued pursuant to the above article.

This notice supercedes the previously scheduled hearing date of June 8, 2005. The June 8, 2005 was cancelled by the Board to better accommodate public participation.

### **PROPOSED REGULATORY ACTION**

The Board proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR):

Amend:

**§ 913.2(b)[933.2(b), 953.2(b)]   Regeneration  
Methods Used in Unevenaged Management;  
Transition**

**§ 913.11(c)(1) & (2) [933.11(c)(1) & (2),  
953.11(c)(1) & (2)]   Maximum Sustained  
Production of High Quality Timber Products**

### **PUBLIC HEARING**

The Board will hold a public hearing on Thursday, July 14, 2005, starting at 11:00 a.m., at Feather River College, Gallery Room 519, 570 Golden Eagle Avenue Quincy, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

### **WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Wednesday, May 16, 2005. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9th Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

### **AUTHORITY AND REFERENCE**

Public Resources Code (PRC) § 4551 and 4554.5 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific



sections 4512, 4513 and 4561 of the Public Resources Code. Reference: Public Resources Code sections 4513, 4551.5, 4561 and 21080.5.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed changes to the Forest Practice Rules are related to amending the "Transition Method", a silvicultural method which permits tree harvesting to develop an unevenaged forest stand. The amendments are generally considered "regulatory relief" to the existing rules in they permit a wider variety of trees to meet the post harvest stocking size requirements, compared to the existing rule. By expanding the post harvest stocking tree characteristics, greater flexibility is provided to small landowners allowing them to more quickly transition evenaged or irregular stands to unevenaged stands.

The Maximum Sustained Production of High Quality Timber Products (MSP) amendment provides consistency to stocking standards permitted under the revised Transition Method rule.

The Silviculture Methods Articles of the Forest Practice Rules are devised to recognize the needs of small landowners (and others) with understocked, evenaged, or irregular stands that they wish to manage under a unevenaged silviculture method through use of the transition method. However, the existing transition (§ 913.2 (b) [933.2(b), 953.2(b)]) has some limitations to those who want to create more balanced, unevenaged stands. Several problems with the existing rule are found:

- **Restrictive preharvest stocking requirements preclude appropriate use of the transition method**
- **Restrictive post harvest stocking standards do not take into account preharvest conditions**
- **Restrictive post harvest stocking sample requirements**
- **Ensure requirements for retaining larger sized tree in post harvest stands are maintained**
- **Restrictive re-entry limitations.**

#### SPECIFIC PURPOSE OF THE REGULATION

The proposed changes to the Forest Practice Rules make the transition method a more useful method to small landowners, particularly to those with a NTMP which requires the use of unevenaged silvicultural methods. The transition method is the removal of trees individually or in small groups from irregular or evenaged stands to create a balanced unevenaged stand structure and to obtain natural reproduction.

The general purpose with the existing transition method regulation is to create a balanced, unevenaged forest. This means a forest with a multi-aged tree distribution with a balanced structure where tree

numbers or basal areas are evenly distributed among the age classes. This forest structure promotes growth on trees throughout a broad range of diameter classes, encourages natural reproduction and achieves previously mentioned economic and social goals.

Subsection 14 CCR § 913.2(b) [933.2(b), 953.2(b)] is modified to articulate the intent that the transition method should be applied not only to unbalanced, irregular, or evenaged stands conditions, but also to stands that do not contain sufficient trees to meet the minimum basal area, size and phenotypic quality requirements specified by the current transition stocking requirements (seed tree method standards as described in 14 CCR § 913.1(c)(1)(A) [933.1(c)(1)(A), 953.1(c)(1)(A)]). This change in intent provides small forest landowners who actively manage their forests regulatory relief by permitting a wider range of conditions under which the transition method can be used.

Subsection § 913.2(b)(1) [933.2(b)(1), 953.2(b)(1)] modifies the existing rule language to clarify the area for determination of preharvest stocking levels shall be no greater than 20 acres in size and the pre-harvest stocking level determination applies only to the seed trees evaluation.

Subsection § 913.2(b)(2) [933.2(b)(2), 953.2(b)(2)] clarifies existing grammar and consistency relative to the types of silvicultural method intended to be used following the application of the transition method. It also requires delineation of the locations of previously used transition methods to help enforce the requirement that the transition method may not be used more than two times in the stand.

Subsection § 913.2(b)(3) [933.2(b)(3), 953.2(b)(3)] deletes the maximum preharvest basal area requirement for stand suitability for use of the transition method. It eliminates the 25 square feet of basal area maximum above the selection basal area standard limitation and uses a broader definition of suitable stands. The broader definition permits use of the transition method for stands with any basal area providing they have trees adequate for natural regeneration. This section also includes an alternative (Option 1 in the rule text). The proposed regulation, with no limitation on the preharvest basal area, may allow the harvest of relatively young vigorous stands, rather than applying a more appropriate silviculture system, such as commercial thinning. Option 1 of the proposed rule language addresses this concern by limiting the use of the transition method to stands with a maximum basal area of up to 50 square feet greater than the selection method (14 CCR 913.2(a)(2)(A), [933.2(a)(2)(A), 953.2(a)(2)(A)]). The 50 square feet of basal threshold was determined to be an appropriate



level to balance inclusion of use while providing caution to avoid depleting well stock, vigorously growing, young forest stands.

Subsection § 913.2(b)(4), (5) and (7) [933.2(b)(4), (5) and (7), 953.2(b)(4), (5) and (7)] improve grammar and clarify that the minimum basal area standards shall be met after every use of the transition method. This was included to improve enforceability of the rule in the field.

Subsection § 913.2(b)(6) [933.2(b)(6), 953.2(b)(6)] modifies the post harvest stocking standards. Existing rules require post harvest stocking standards to meet seed tree requirements (§ 913.1(c)(1)(A) [933.1(c)(1)(A), 953.1(c)(1)(A)]. This rule amendment broadens the stocking requirements to permit trees less than 18 inch dbh but greater than 12 inches dbh to be sufficient residual stand seed trees for the Northern Forest Practice District, Southern Forest Practice Districts and some Coast Forest Practice District stand types. The changes to the proposed rule exclude for Site I Coast Redwood forests in the Coast Forest Practice District. These forests were excluded to address the issue that the transition method is not applicable to high site (good growing conditions) coast redwood forests. It was determined that fast growing redwood forests should have other silvicultural systems applied, as the species can rapidly grow into stand conditions suitable for a variety of silvicultural methods. For the Coast district, Site I Redwood forests are not permitted to use the revised transition method standard that allows seed trees in the post harvest stands to be comprised of 12 inch or greater trees; existing transition post harvest seed tree sizes (>18 inches dbh) and basal area requirements will be applicable. This change is created in the rule by providing separate standards under this rule subsection for the Coast Forest Practice District and for the Northern and Southern Forest Practice Districts.

Changes to this subsection are also made to address the need to prioritize for retention existing suitable seed trees 18 inches or greater that are disease free and undamaged. With the proposed regulation eliminating the 18 inch seed tree post harvest standard for most forests types, there still is the need to retain larger suitable seed trees when available in the pre harvest stand. The changes in the proposed regulation states that retention of suitable 18 trees in the post harvest stand are required, unless demonstrated by a sustained yield plan (per 14 CCR 913.11 [933.11, 953.11(a) or (b)]).

Subsection § 913.2(b)(8) [933.2(b)(8), 953.2(b)(8)] replaces existing rule subsection § 913.2 (b)(7) [933.2(b)(7), 953.2(b)(7)]. It specifies that the plan submitter shall demonstrate that the standards of the selection regeneration method will be met for the third entry of Plan areas harvested by the transition method.

## **§ 913.11 [933.11, 953.11] Maximum Sustained Production of High Quality Timber Products**

### **SPECIFIC PURPOSE OF THE REGULATION**

Subsection § 913.11(c)(1) [933.11(c)(1), 953.11(c)(1)] is modified to correct a defect in citing only the Coast District's stocking requirements.

The proposed changes to Maximum Sustained Production of High Quality Timber Products, Subsections § 913.11(c)(1)(2) [933.11(c)(1)(2), 953.11(c)(1)(2)] modify the post harvest stocking standards proposed under the transition method amendment of subsection § 913.2(b)(6) [933.2(b)(6), 953.2(b)(6)], Regeneration Methods Used in Uneven-aged Management, into the post harvest MSP stocking requirements. It is also modified to correct a defect in citing only the Coast District's stocking requirements. This amendment is needed to provide consistency of stocking standards required to meet MSP and those permitted under the proposed amendment of the Transition Method rule.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business.

- The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the Board web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.htm](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.htm)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### TITLE 14. DEPARTMENT OF FISH AND GAME

#### NOTICE BY THE DEPARTMENT OF FISH AND GAME TO CONSIDER THE ADOPTION OF AMENDMENTS TO EXISTING REGULATIONS

**NOTICE IS HEREBY GIVEN** that the Department of Fish and Game (“Department”) proposes to amend existing regulations pertaining to fees for lake or streambed alteration agreements under Fish and Game Code sections 1600–1616.

#### PROPOSED REGULATORY ACTION

The Department proposes to amend the following section of title 14, subdivision 3, of the California Code of Regulations:

Chapter 3, section 699.5. Fees for Lake/Streambed Alteration Agreements.

#### PUBLIC HEARING

The Department will conduct one public hearing to receive comments, objections, and recommendations regarding its proposed regulatory action. The hearing will be held:

July 11, 2005  
10:00 a.m.–noon  
Resources Building  
Auditorium, 1st Floor  
1416 Ninth Street  
Sacramento, California

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed amendments to the above-listed regulations. Written comments must be received no later than 5:00 p.m. on July 11, 2005, in order for the Department to consider them before adopting the proposed amendments to the above-listed regulations.

Please send or deliver any written comments to:

Joyce Young  
Department of Fish and Game  
830 S Street  
Sacramento, California 95814

INFORMATIVE DIGEST/PLAIN ENGLISH  
POLICY STATEMENT OVERVIEW

A. Summary

Fish and Game Code section 702 authorizes the Department of Fish and Game ("Department") to administer and enforce the provisions of the Fish and Game Code through regulations adopted by the Department. Fish and Game Code section 1609 authorizes the Department to establish a schedule of fees and mandates that the fees charged pay the total costs the Department incurs to administer and enforce Fish and Game Code sections 1600–1616, including, but not limited to, preparing lake and streambed alteration agreements ("agreements") and conducting inspections. The Department's existing fee schedule is in section 699.5 of title 14 of the California Code of Regulations.

On January 1, 2004, legislation that repealed Fish and Game Code sections 1600–1607 and added Fish and Game Code sections 1600–1616 took effect (S.B. 418, Ch. 736). Some of the changes the legislation made that affect the existing fee schedule are described below.

Former Fish and Game Code section 1601 specified certain activities that a state or local governmental agency or public utility could not begin without first notifying the Department. Former Fish and Game Code section 1603 was similar to former section 1601, except former section 1603 applied only to persons. The existing fee schedule is based on former Fish and Game Code sections 1600–1607. Hence, it distinguishes between "1601 Applications" and "1603 Applications." That distinction no longer applies because the legislation combined the provisions in former Fish and Game Code sections 1601 and 1603 described above into existing Fish and Game Code section 1602.

The legislation authorized the Department to issue agreements for a term longer than five years, if the applicant meets specified requirements, including the submittal of a status report every four years. Former Fish and Game Code sections 1600–1607 did not

allow the Department to issue an agreement for a term longer than five years. The Department refers to an agreement with a term of five years or less as a "regular" agreement, and refers to an agreement with a term greater than five years as a "long-term" agreement.

The legislation replaced Fish and Game Code section 1607 with Fish and Game Code section 1609. Former Fish and Game Code section 1607 imposed a fee limitation of \$2,400 for an agreement. Under Fish and Game Code section 1609, the fee limitation is \$5,000 and applies only to regular agreements. There is no fee limitation for long-term agreements. Except for those differences, former Fish and Game Code section 1607 and Fish and Game Code section 1609 are similar.

B. Purpose/Effect of Proposed Amendments

The purpose of the proposed amendments to section 699.5 of title 14 of the California Code of Regulations is to restructure the fee schedule by 1) changing the existing fee categories; 2) adding new fee categories and fees; and 3) increasing the fees the Department currently charges applicants for agreements. Restructuring the fee schedule as described will enable the Department to make it current with the legislative changes described above. For example, unlike the existing fee schedule, the proposed fee schedule does not include separate fee categories for "1601 Agreements" and "1603 Agreements". Making the fee schedule current with the legislation will avoid any confusion among applicants and Department staff when trying to determine the appropriate fee an applicant must pay the Department.

Restructuring the fee schedule will also enable the Department to recover the total costs it incurs to administer and enforce Fish and Game Code sections 1600–1616. If the Department does not increase the fees, it will continue to experience a shortfall in its budget which currently affects the Department's ability to administer and enforce Fish and Game Code sections 1600–1616, the purpose of which is to protect and conserve the State's fish and wildlife resources. If, because of the shortfall, the Department had to eliminate positions in its Lake and Streambed Alteration Program, it would be even more difficult for the Department to meet that objective. The budget shortfall also affects other Department programs and activities because staff who work in those programs have been used to support the Lake and Streambed Alteration Program.

The fees in the existing fee schedule are not much higher than the fees the Department has been charging since May 14, 1992, which was the second to last time the Department amended the fee schedule. The last time it amended the fee schedule was on March 24,



2000, and that was for the limited purpose of increasing the fees 16.75 percent to account for inflation. Hence, the fee increases proposed by the Department are necessary and long overdue.

#### DUPLICATION OF FEDERAL LAW

The Department's proposed amendments to the regulations do not duplicate existing federal law or regulations.

#### ENVIRONMENTAL ANALYSIS

The Department has determined that its proposed regulatory action will not result in a direct physical change, or a reasonably foreseeable indirect physical change, in the environment, and therefore is not a project subject to the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 *et seq.*). As a result, the Department has not, and does not intend to, prepare any environmental documents or complete any environmental analyses before adopting the proposed amendments to section 699.5 of title 14 of the California Code of Regulations.

#### FINANCIAL IMPACTS AND IMPACTS ON BUSINESS

The Department has determined that adoption of the proposed amendments to section 699.5 of title 14 of the California Code of Regulations will result in an economic impact on those businesses that must obtain agreements from the Department, including small businesses, because of the proposed fee increases. The extent of the impact, however, will depend on the business itself and the economic benefit of the project for which an agreement is required.

Applicants will still be responsible for the fees the Department charges pursuant to the fee schedule in section 699.5 of title 14 of the California Code of Regulations. The proposed amendments to section 699.5 of title 14 of the California Code of Regulations would increase the fees for standard agreements to between 30% for projects that cost less than \$5,000 to 188% for projects that cost over \$500,000.

Overall, the proposed amendments to section 699.5 of title 14 of the California Code of Regulations would increase the existing fees the Department charges applicants an average of 170%. Although that represents a substantial increase over the fees in the existing fee schedule, the increase is necessary for the Department to fully recover its costs to administer and enforce Fish and Game Code sections 1600–1616, and to comply with the cost recovery mandate in Fish and Game Code section 1609. Also, as mentioned above, the Department has not substantially increased the fees it charges applicants for agreements since May 14, 1992.

Based on the foregoing, the Department has determined that adoption of the proposed amendments to the above-listed regulations will have the following effects:

- (a) Mandates on local agencies and school districts: Adoption of the proposed amendments will not impose any mandates on local agencies or school districts.
- (b) Cost to any local agency or school district for which reimbursement is required: Adoption of the proposed amendments will not result in costs to any local agency or school district that are required to be reimbursed pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, other nondiscretionary cost or savings on local agencies, or any cost or savings in federal funding to the state.
- (c) Cost or savings to any state agency: Adoption of the proposed amendments will not result in savings to any state agency, but will increase a state agency's cost to obtain a lake or streambed alteration agreement from the Department. However, as discussed above, if the fees in the fee schedule are not adjusted by amending section 699.5 of title 14 of the California Code of Regulations, the Department will not be able to fully recover the cost it incurs to administer and enforce Fish and Game Code sections 1600–1616, and not be able to meet the cost recovery mandate in Fish and Game Code section 1609.
- (d) Significant adverse economic impact on businesses: Adoption of the proposed amendments will have an economic impact on those businesses that must obtain an agreement from the Department. The extent of the economic impact depends on the business itself and the economic benefit of the project for which an agreement is required. In any case, increasing the fees in the fee schedule will not affect the ability of California businesses to compete with businesses in other states.

As stated above, adoption of the proposed amendments will only affect those businesses that will need to obtain lake or streambed alteration agreements from the Department for particular projects in the future. In Fiscal Year 2002/03, the Department issued a total of 2,888 agreements statewide, of which 1,608 were issued to private individuals or businesses. The Department also processed 878 requests for amendments and extensions. The Department cannot determine how many of those agreements were issued to private individuals and how many were issued to businesses without manually retrieving those agreements from its six regional offices and reviewing each

one of them. Even then, it would be difficult to discern whether the applicant was a private individual or business.

This problem derives in part from the fact that former Fish and Game Code sections 1600–1607 distinguished between state and local governmental entities and public utilities (former section 1601) and persons (former section 1603), and the Fish and Game Code defines “persons” to include businesses (Fish & G. Code, § 67). Hence, the holder of a “1603” agreement could be either a person or a business, and the agreement might not identify whether the holder is a person or business.

Based on the above, the Department assumed that all 1,608 of the agreements described above were issued to businesses for the purpose of estimating the economic impact the proposed amendments would have on businesses. The Department further assumed that it would issue the same number and type of agreements to businesses under the proposed fee schedule. Using those assumptions, the Department calculated that the proposed amendments could result in total cost increase of \$1,622,497 to businesses, which represents an average increase of approximately \$479 per business. The Department derived those figures as follows:

Step 1:

Table 1 (attached), which the Department’s Lake and Streambed Program staff prepared, divides the 1,608 agreements described above into three categories:

“1603 Private” = 1,288  
 “1603 Gravel” = 60  
 “1603/1606 Timber Harvest” = 260  
 Total = 1,608

Each category corresponds to a specific fee listed in Table 1. The fee was calculated for each “1603” category by multiplying the number of notifications for each category by the fee for that category. The Department then calculated the total fees for all “1603” categories to be \$852,817.

Step 2:

The fee categories for standard agreements in the existing fee schedule do not correspond overall to the fee categories in the proposed fee schedule (e.g., the proposed fee schedule does include separate fee categories for “1601 Agreements” and “1603 Agreements” because the legislation described above (S.B. 418, Ch. 736) combined former Fish and Game Code sections 1601 and 1603 into new section 1602 and the proposed fee schedule includes eight fee categories based on project cost instead of three categories in the existing fee schedule). As a result, the Department used a ratio of 0.4269 to estimate the fees the

Department would charge businesses under the new fee schedule. The Department developed the ratio by dividing the number of “1603” agreements for Fiscal Year 2002/03 (1,608) by the total number of notifications and requests for extensions and amendments (3,766) processed for all categories during that same period.

Step 3:

To estimate the economic impact on businesses, the Department multiplied the ratio (0.4269) by the total estimated revenue (\$3,800,650) the Department would receive under the proposed fee schedule if it issued 1,608 agreements to businesses to arrive at an estimated \$1,622,497.

Step 4:

By subtracting the \$852,817 calculated in Step 1 above from \$1,622,497, the Department determined the total cost increase to businesses under the proposed fee schedule would be \$769,680.

Step 5:

The Department determined the average cost increase per business would be approximately \$479 by dividing the total increase in cost to businesses calculated in Step 4 above (\$769,680) by the total number of “1603” agreements the Department issued in Fiscal Year 2002/03 (1,608). However, because the Department assumed that all “1603” agreements were issued to private businesses the actual values should be considerably less.

(e) Statement of potential cost impact on private persons and businesses: In order to estimate the potential economic impact on private persons and businesses, the Department assumed that all 1,608 agreements described in the section on “Significant adverse economic impact on businesses” above were issued to private persons and businesses. The Department further assumed that it would issue the same number and type of agreements to private persons and businesses under the proposed fee schedule. Using those assumptions, the Department calculated that the proposed amendments could result in total cost increase of \$769,680 to private persons and businesses, which represents an average increase of approximately \$479 per private person or business. That represents a significant increase over the fees the Department charges private persons and businesses under the existing fee schedule to obtain an agreement from the Department.



- (f) Adoption of the proposed amendments will not have an adverse impact on:
- (1) creation or elimination of jobs within California;
  - (2) creation of new businesses or the elimination of existing businesses within California; or
  - (3) expansion of businesses currently doing business within California.
- (g) Significant effects on housing costs: Adoption of the proposed amendments will not have any significant effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

According to Government Code section 11346.5(a)(13), the Department must determine that no alternative it considers would be more effective in carrying out the purpose for which the amendments to section 699.5 of title 14 of the California Code of Regulations are proposed or would be as effective and less burdensome to affected private persons than adoption of the proposed amendments. The Department has made this determination, and the explanation for the Department's determination is contained in the Initial Statement of Reasons for the proposed amendments to the regulations, available from the contact person below.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons providing an explanation of the purpose, background, and justification for the adoption of the proposed amendments to the regulations and the Department's Form Std. 399. The statement and any documents upon which the Department's proposed amendments are based are available upon request from the Department's contact person, Joyce Young, at (916) 445-2187. A copy of the express terms of the proposed amendments to the regulations, as well as any other information in the Department's rulemaking file, is also available from the Department's contact person and the Department's website at [www.dfg.ca.gov](http://www.dfg.ca.gov). A copy of the Department's final statement of reasons once it has been prepared will also be available from the Department's contact person and the Department's website.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified amendment to the regulations will be available to the public at least fifteen (15) days prior to the date on which the Department considers the proposed amendments to the regulations for adoption unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the

public was adequately placed on notice that the change could result from the originally proposed regulatory action. (Gov. Code, § 11346.8(c).)

#### AUTHORITY

The authority for the Department to adopt these amendments to the regulations is provided in Fish and Game Code section 702.

Reference: Sections 702 and 1609, Fish and Game Code.

### TITLE 16. BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

NOTICE IS HEREBY GIVEN that the Board for Geologists and Geophysicists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2535 Capitol Oaks Drive, Third Floor Conference Room, Sacramento, California 95833 at 10:00 am on July 15, 2005. Written comments must be received by the Board for Geologists and Geophysicists at its office not later than 5:00 p.m. on July 14, 2005 or must be received by the Board for Geologists and Geophysicists at the hearing. The Board for Geologists and Geophysicists, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Current law, section 7800 et seq. of the Business and Professions Code and California Code of Regulations, Title 16, Division 29, sections 3062, 3062.1, 3063 and 3063.1 specify the civil penalty amount that can be assessed as part of a citation.

#### AUTHORITY AND REFERENCE

Business and Professions Code section 7818 authorizes the Board to adopt the proposed regulations, which would implement, interpret, or make specific section 125.9 of the Business and Professions Code.

#### INFORMATIVE DIGEST OVERVIEW

The Board proposes to amend sections 3062, 3062.1, 3063 and 3063.1, Title 16, Division 29 of the California Code of Regulations. These sections specify the circumstances under which penalties may be

assessed, the types of penalties that may be assessed, and considerations and processes that must be followed.

Current regulations specify the maximum civil penalty amount that can be assessed to an individual who violates the Geologist and Geophysicists Act. The maximum amount is currently established at \$2,500. This regulatory proposal would increase the maximum amount to \$5,000 when "special circumstances" are met. The additional fine would be assessed between the amounts \$2,501 and \$5,000 depending on the nature of the violation.

#### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board for Geologists and Geophysicists has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The proposed regulation will result in a maximum \$5,000 fine for violations of the Geologist and Geophysicist Act. The \$5,000 represents an increase of up to \$2,500.

Effect on Housing Costs: None

#### **EFFECT ON SMALL BUSINESS**

The Board for Geologists and Geophysicists has determined that the proposed regulations would not affect small businesses. The Board disciplines only individuals, and not small businesses. Therefore, there will be no impact whatsoever on small businesses.

#### **CONSIDERATION OF ALTERNATIVES**

The Board for Geologists and Geophysicists must determine that no reasonable alternative which it considered or that has otherwise been identified would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### **STATEMENT OF REASONS AND INFORMATION**

The Board for Geologists and Geophysicists has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Geologists and Geophysicists at 2535 Capitol Oaks Drive, Suite 300A, Sacramento, California 95833-2926.

#### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### **CONTACT PERSON**

Inquiries concerning the proposed administrative action may be addressed to Paul Sweeney, Executive Officer, at the above address or by telephoning (916) 263-2113.

The backup contact person is DeLesa Swanigan at (916) 263-2113. The person designated to respond to questions on the substance of the regulatory proposal is Paul Sweeney, Executive Officer, (916) 263-2113.

#### **WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.geology.ca.gov](http://www.geology.ca.gov).

### **TITLE 16. BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

NOTICE IS HEREBY GIVEN that the Board for Geologists and Geophysicists (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2535 Capitol Oaks Drive, Third Floor Conference Room, Sacramento, California 95833 at 10:00 am on July 15, 2005. Written comments must be received by the Board at its office not later than 5:00 p.m. on July 14, 2005 or must

be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Business and Professions Code section 7818 authorizes the Board to adopt regulations to implement, interpret, or make specific section 129 of the Business and Professions Code. Pursuant to Business and Professions 7818 and Government Codes sections 6253.4 and 6254, the Board is considering changes to Division 29, Title 16 of the California Code of Regulations (CCR) as follows:

#### INFORMATIVE DIGEST OVERVIEW

The Board proposes to adopt Title 16, California Code of Regulations, Division 29, section 3067, "Public Information System—Disclosure."

The Public Records Act (California Government Code Section 6250 et seq.), provides the public a distinct right to access information in the government's possession. However, unconditional access is not authorized. Specific information pertaining to complaints and relevant investigations alleging misconduct by licensees are exempt from disclosure.

The proposed language sets forth specific language relative to the disclosure of information regarding complaints involving professional geologists, geophysicists, and unlicensed persons subject to the Board's jurisdiction. The proposed language incorporates the Board's "*Consumer Complaint Disclosure Policy*" in regulations.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board for Geologists and Geophysicists has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: None.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The proposed regulations will have no impact on small businesses because the Board for Geologists and Geophysicists licenses and regulates individuals, and not companies. Therefore, there is no impact on small (or large) businesses at all."

#### CONSIDERATION OF ALTERNATIVES

The Board for Geologists and Geophysicists must determine that no reasonable alternative which it considered or that has otherwise been identified would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### STATEMENT OF REASONS AND INFORMATION

The Board for Geologists and Geophysicists has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Geologists and Geophysicists at 2535 Capitol Oaks Drive, Suite 300A, Sacramento, California 95833-2926.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.



You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Paul Sweeney, Executive Officer, at the above address or by telephoning (916) 263-2113.

The backup contact person is DeLesa Swanigan at (916) 263-2113. The person designated to respond to questions on the substance of the regulatory proposal is Paul Sweeney, Executive Officer, (916) 263-2113.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.geology.ca.gov](http://www.geology.ca.gov).

### TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Howe Avenue Complex, 1424 Howe Avenue, Conference Room F, Sacramento, CA, at 9:00 AM on July 15, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 PM on July 14, 2005 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 125.9, 148, 8505.7, 8505.13, 8516, 8525, 8538, of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### 1. Amend 1920 Citations and Fines

Section 1920 of the California Code of Regulations authorizes the Registrar or Deputy Registrar of the Structural Pest Control Board (Board) to issue an administrative fine for violations of the statutes contained in the Structural Pest Control Act or the regulations adopted by the Board.

Senate Bill 362 (Stats. 2003, Chapter 788) changed the maximum amount of an administrative fine levied upon licensees from \$2500 to \$5000. In December 2003, the Board amended section 1920 of the California Code of Regulations to correspond with Business and Professions Code 125.9. The Department of Consumer Affairs has since requested that the Board incorporate criteria under which the maximum fine may be imposed.

##### 2. Amend 1970.4 Pesticide Disclosure Requirement

Business and Professions Code section 8538 requires the registered structural pest control company to provide the owner, or owner's agent, and tenant of the premises for which the fumigation work is to be done with a clear written notice (Form 43M-48) regarding the pest being controlled and pesticide used.

Reports of pets being trapped under tarps during fumigations have prompted this amendment. This proposal would amend the existing Occupants Fumigation Notice and Pesticide Disclosure Form 43M-48, to include language suggesting that the occupants notify their nearby neighbors of the date of fumigation, keep pets away during the fumigation, and close off any open access to subareas in order to prevent pet entry prior to and during a fumigation.

##### 3. Amend 1991(a)(9) Report Requirements Under Section 8516(b)(10)

Section 8516 of the Business and Professions Code provides guidelines for wood destroying pests and organisms. Section 1991 of the California Code of Regulations is specific to subterranean termite infestations and the elimination of accessible subterranean termite tubes, without addressing above ground termite bait stations.

This proposal would amend section 1991 to include the use of above ground termite bait stations that require the use of the termite tubes in order to be effective, in which case the tubes would remain in place for the purpose of placement of the termite bait stations, removing the subterranean termite tubes only at the end of the treatment.



**4. Amend 1996 Requirements for Reporting All Inspections Under Section 8516(b)**

Senate Bill 1307 (Stats. 1999, Chapter 983) amended sections of the Business and Professions Code to eliminate the requirement for registered companies to file inspection reports and notices of work completed and not completed with the Board. The bill created a requirement for registered companies to report and file with the Board only the addresses of properties inspected and the addresses of properties upon which work is completed.

Section 1996 of the California Code of Regulations still requires that inspection reports and notices of work completed be filed with the Board. This regulatory proposal would eliminate references to the filing of reports with the Board and would instead require that structural pest control companies deliver the report to the person requesting the inspection, or to their designated agent.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

Section 1920 will have no affect on small businesses because the proposal is adding criteria that will clarify when the Board may impose the maximum fine of \$5,000.

Section 1970.4 will have some affect on small businesses because the proposal amends an existing form to include language that suggests nearby neighbors be notified of the date of fumigation and to keep their pets away during the fumigation. However, as business practices vary, businesses could amend the form either internally and/or externally.

Section 1991(a)(9) will have no affect on small businesses because the proposal merely defines that above ground termite bait stations which require subterranean termite tubes in order to be effective may remain in place for the purpose of placement of those stations, with removal of the termite tubes at the end of treatment.

Section 1996 will have no affect on small businesses because the proposal is merely clean-up language as a result of Senate Bill 1307 Chaptered in 1999 and pest control companies have been in compliance with the law since 2000. Therefore, nothing is changing regarding the way companies currently do business.

**CONSIDERATION OF ALTERNATIVES**

The Structural Pest Control Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

**CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Barbara Howe  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8718  
Fax No.: (916) 263-2469  
E-Mail Address: Barbara\_Howe@dca.ca.gov

The backup contact person is:

Name: Susan Saylor  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Susan\_Saylor@dca.ca.gov

**WEBSITE ACCESS**

Materials regarding this proposal can be found at  
[www.pestboard.ca.gov](http://www.pestboard.ca.gov)

**TITLE 24. BUILDING  
STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA BUILDING  
STANDARDS CODE CALIFORNIA CODE  
OF REGULATIONS, TITLE 24**

**Notice is hereby given** that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2004 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), and Part 12 (California Referenced Standards Code).

The building standards being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal are for incorporation into CCR,

Title 24, Parts 1, 2, 3, 4, 5, 9 and 12. A summary of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

- Appendix A California Building Standards Commission (CBSC)
- Appendix B Division of the State Architect, Access Compliance (DSA/AC)
- Appendix C Division of the State Architect, Structural Safety (DSA/SS)
- Appendix D Department of Housing and Community Development (HCD)
- Appendix E Office of Statewide Health Planning and Development (OSHPD)
- Appendix F Office of the State Fire Marshal (SFM)

**WRITTEN COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from May 27, 2005 until 5:00 p.m. on July 11, 2005. Comments may be made using the form in the "Monograph of Code Change Submittals" and either mailed or faxed to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Thomas L. Morrison,  
Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

**PUBLIC HEARING REQUEST**

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS**

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## AUTHORITY AND REFERENCE

### California Building Standards Commission

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18928.1, 18934.5, and 18938.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of their publication.

### Division of the State Architect, Access Compliance

CBSC proposes to adopt these building standards on behalf of DSA/AC under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of GC Sections 4450 through 4461, 12955.1 and H&SC Sections 18949.1, and 19952 through 19959. DSA/AC is proposing this regulatory action based on GC Section 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: DSA/AC is unaware of any other matters prescribed by statutes applicable to the DSA/AC or to any specific regulations or class of regulations.

### Division of the State Architect, Structural Safety

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 16000-16023 and Education Code Sections 17280-17317 and 81130-81147. DSA/SS is proposing this regulatory action based on H&SC Section 16022 and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to DSA/SS, or to any specific regulation or class of regulations.

### Department of Housing and Community Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions

of H&SC Sections 17040, 17921, 17922, 18300, 18630, 18640 and 19990, and GC Section 12955.1. HCD is proposing this regulatory action based on H&SC Sections 17040, 17921, 18300, 18670 and 19990.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None

### Office of Statewide Health Planning and Development

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 129785, 129855, 129885 and 129955. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 18929 and 129850.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters to be identified.

### Office of the State Fire Marshal

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 13143(a) and 18928(a). SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108(a), 13211, 13113, 13113.5, 13114(a), 13132.7, 13133, 13135, 13143, 13143.1(a), 13143.6(a), 13143.9(a).

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.

## INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

### Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article



5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between January 26, 2005 and February 9, 2005 at 2525 Natomas Park Drive, Sacramento, California, and on February 11, 2005, at 400 R Street, Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

#### Effect of this rulemaking

This rulemaking proposes to:

1. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 1 for OSHPD. (Note: See the informative digest for this state agency in Appendix E for specific details on the effect of the proposal.)
2. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 2 for BSC, HCD, DSA/AC, DSA/SS, OSHPD, and SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
3. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 3 for HCD, OSHPD. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
4. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 4 for BSC, OSHPD, DSA/SS, HCD, SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
5. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 5 for BSC, OSHPD, DSA/SS, DSA/AC, HCD,

SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

6. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 9 for SFM. (Note: See the informative digests for SFM in Appendix F for specific details on the effect of the proposals.)
7. Adopt, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 12 for BSC and SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

#### FISCAL IMPACT

##### Estimate of Cost or Savings

See appendices.

##### Cost Impact on Representative Private Persons or Businesses

See appendices.

##### Initial Determination of Significant Effect on Housing Costs

See appendices.

##### Mandate on Local Agencies or School Districts

See appendices.

#### ECONOMIC IMPACT

##### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

##### Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

#### FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

See assessment for SFM in Appendix F for specific details on the effect of the proposal.

#### ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

CBSC has prepared and has available for public review Initial Statement of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and



the regulation text are included in the monograph of code advisory committee recommendations and are available by contacting Stephanie Davis at (916) 263-0916. In addition, this notice, the regulation text and the ISOR can be accessed from CBSC's website at [www.bsc.ca.gov](http://www.bsc.ca.gov).

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available from either CBSC's contact, Stephanie Davis at (916) 263-0916, or CBSC's website.

#### CONTACT INFORMATION FOR QUESTIONS

##### **CBSC Contact Person for Procedural and Administrative Questions**

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison, Deputy Director  
[Tom.Morrison@dgs.ca.gov](mailto:Tom.Morrison@dgs.ca.gov)  
 (916) 263-0916  
 (916) 263-0959 FAX

Stan Nishimura, Executive Director  
[Stan.Nishimura@dgs.ca.gov](mailto:Stan.Nishimura@dgs.ca.gov)  
 (916) 263-0916  
 (916) 263-0959 FAX

##### **Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards**

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC  
 Michael Nearman  
 (916) 263-5888  
 Jane Taylor  
 (916) 263-0807  
 (916) 263-0959  
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DSA/AC  
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 (916) 654-2079 FAX  
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#### APPENDIX A

##### CODE CHANGE SUBMITTAL PROPOSED BY THE CALIFORNIA BUILDINGS STANDARDS COMMISSION

**BSC 01/04 Part 2** (Item 5 in monograph 2 of 4)  
**BSC 02/04 Part 4** (Item 11 in monograph 3 of 4)  
**BSC 03/04 Part 5** (Item 16 in monograph 3 of 4)  
**BSC 04/04 Part 12** (Item 23 in monograph 4 of 4)

#### INFORMATIVE DIGEST

##### Summary of Existing Laws

**Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee**

Authorizes the commission to adopt the most recent edition of the Uniform Mechanical Code.

**Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee**

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

**Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication**

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

**Summary of Existing Regulations**

The existing 2001 California Building Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 1997 Uniform Building Code of the International Conference of Building Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

**Summary of Effect**

This proposed action will update structural provisions to the 1997 UBC of ICBO with necessary amendments to state owned buildings, to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the 2004 California Building Code (CBC). This proposed action by the California Building Standards Commission will also make the 2001 CBC, inoperative for state owned buildings, and for persons applying for a building permit upon the affective date of the 2004 CBC.

The proposed rulemaking action would update the structural standards for state owned buildings & buildings constructed by the University of California and California State Universities regarding the following:

- Chapter 16, Structural Design Standards—Editorial corrections by adding notations for BSC applications.
- Chapter 19, Concrete—Editorial corrections by adding notations for BSC applications.
- Chapter 22, Steel—Editorial corrections by adding notations for BSC applications.
- Chapter 23, Wood—Update the National Design Specification (NDS) reference to the 2001 NDS and specify the amendments needed to update the 2001

NDS for state owned buildings & buildings constructed by the University of California and California State Universities.

**PARTS 2, 4, 5, 12**

**FISCAL IMPACT**

**Estimate of Cost or Savings**

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

**Cost Impact on Representative Private Persons or Businesses**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Initial Determination of Significant Effect on Housing Costs**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

**Mandate on Local Agencies or School Districts**

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts with the exception of proposed changes to Part 12. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

**ECONOMIC IMPACT**

**Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not effect the creation of or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not effect the creation of or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not effect the expansion of businesses currently doing business within the State of California

## APPENDIX B

### CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ ACCESS COMPLIANCE

**DSA/AC 02/04 Part 2** (Item 3 in monograph 1 of 4)

**DSA/AC 03/04 Part 5** (Item 21 in monograph 3 of 4)

### INFORMATIVE DIGEST

#### Summary of Existing Laws

#### **Access to public buildings by person with disabilities—**

Government Code 4450 ensures that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities. The State Architect shall develop and submit proposed building standards to the California Building Standards Commission for approval and adoption pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 of the Health and Safety Code and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities. These regulations and building standards shall contain additional requirements relating to buildings, structures, sidewalks, curbs, and other related facilities as the State Architect determines are necessary to assure access and usability for persons with disabilities. However, in no case shall the State Architect's regulations and building standards prescribe a lesser standard of accessibility or usability than provided by the Accessibility Guidelines prepared by the federal Access Board as adopted by the United States Department of Justice to implement the Americans with Disabilities Act of 1990 (Public Law 101-336).

**Government Code Section 4450.5** provides the State Architect's regulations for identification of parking spaces for persons with disabilities.

**Government Code Section 4451** provides for buildings and facilities to which provisions for access

to public buildings by persons with disabilities are applicable, the standards, specifications and exceptions.

**Government Code Section 4452** provides minimum standards relating to access by persons with disabilities and unauthorized deviation from these specifications.

**Government Code Section 4453** provides the responsibility for enforcement for access to public buildings by persons with disabilities.

**Government Code Section 4453.5** provides for inspection of state and school district buildings by persons with disabilities volunteers, reports, correction plan, and applicability of the provisions for access to public buildings by persons with disabilities.

**Government Code Section 4454** provides for approval of plans and specifications, filing fee, and consultation.

**Government Code Section 4455** provides duties of department of rehabilitation.

**Government Code Section 4455.5** provides for elevators and Braille symbols.

**Government Code Section 4456** provides for alteration of existing buildings or facilities.

**Government Code Section 4457** provides for portable buildings of school district.

**Government Code Section 4458** provides for violations, injunctions, district or city attorney, county counsel, and Attorney General.

**Government Code Section 4459** provides for accessibility requirements and use of fees.

**Government Code Section 4459.5** provides State Architect's program for voluntary certification of persons who meet criteria as certified access specialists, and determination of criteria.

**Government Code Section 4459.6** provides for an Ad hoc advisory committee, development of requirements for certification as access specialist, and representatives.

**Government Code Section 4459.7** provides for a published list of certified access specialists, disclaimer of liability, and audits of work.

**Government Code Section 4459.8** provides for certification effective for three years, suspension of certification or denial of certification renewal, payment of fees, and costs of reassessing qualification of renewal applicants.

**Government Code Section 4460** provides for detectable warning products and directional surfaces and approval.

**Government Code Section 4461** provides mandatory service on State Solicitor General of each party's brief or petition and brief in causes of action based on violation of civil rights statutes.



**Housing Discrimination—**

**Government Code Section 12955** provides for any unlawful practices in housing discrimination.

**Government Code Section 12955.1(d)** provides that regulations shall be developed by the Office of the State Architect for public housing, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code.

**Regulations—**

**Health and Safety Code 18949.1** provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

**Access to places of public amusement and resort by persons with disabilities—**

**Health and Safety Code 19952** provides seating or accommodations in various locations with facility, removable seats, application, and construction.

**Health and Safety Code Section 19953** provides for injunctions and attorney fees.

**Health and Safety Code Section 19954** provides for injunctions and persons who may bring action.

**Health and Safety Code Section 19954.5** provides for mandatory service on State Solicitor General of each party's brief or petition and brief in causes of action based on violation of civil rights statutes.

**Access to public accommodations by persons with disabilities—**

**Health and Safety Code Section 19955** provides for the purpose of public accommodation or facilities.

**Health and Safety Code Section 19955.3** defines "Story", "First story", "Mezzanine", and "Grade".

**Health and Safety Code Section 19955.5** provides for access to passenger vehicle service stations, shopping centers, physicians' and surgeons' offices, and office buildings constructed with private funds and prospective application of section.

**Health and Safety Code Section 19956** provides for conformity with Government Code provisions and exceptions.

**Health and Safety Code Section 19956.5** provides for public curb or sidewalk construction with private funds.

**Health and Safety Code Section 19957** provides for exceptions from literal requirements of standards and specifications in hardship cases.

**Health and Safety Code Section 19957.5** provides for local appeals board, jurisdiction, members and duties.

**Health and Safety Code Section 19958** provides for enforcement and building department is defined.

**Health and Safety Code Section 19958.5** provides for violations, injunctions, district or city attorney, and Attorney General.

**Health and Safety Code Section 19958.6** provides for civil penalties for violations of regulations implementing sections promulgated by State Architect, circumstances considered by court in determining amount of penalties, and suspended penalties.

**Health and Safety Code Section 19959** provides for alteration of existing public accommodations.

**Health and Safety Code Section 19959.5** provides for mandatory service on State Solicitor General of each party's brief or petition and brief in cause of action based on violation of civil rights statutes.

**Existing Regulations & Effect**

Existing building standards which prescribe requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA. These regulations are contained in Title 24, Parts 2, and 5.

**Summary of Effect**

The proposed action would update Parts 2, and 5 adopting more clarifying standards for accessibility. Non substantive amendments are made in Part 5. Both non-substantive and substantive amendments are made in Part 2. Substantive adoptions, amendments or repeals effect:

**Part 2—CALIFORNIA BUILDING CODE**

**Chapter 2 (Definitions and Abbreviations)** Public Accommodation, Stairway, Story and Story-First;

**Chapter 11A (Housing Accessibility)** DSA/AC adopts Chapter 11A as promulgated by the Department of Housing and Community Development for accessible housing, which also includes those SFM provisions as shown in the HCD Chapter 11A that are jointly adopted by SFM and DSA/AC. See HCD Notice.

**Chapter 11B (Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Publicly Funded Housing)**

**Bathing and Toilet Facilities** (Accessible Showers-Water Controls) and (Accessible Water Closet (Accessible Kitchen Sinks);

**Elevators** (Door Size the Exception), (Car Inside), (Car Controls and Car Position Indicator and Signal) and (Special Access (Wheelchair) Lifts for When Provided as A Means of Egress, Standby Power, and Special Access (wheelchair) Lift);

**Other Building Components** (Signs and Identification for Identification Signs, Plan Review and Inspection, Finish and Contrast, Raised Characters and Pictorial Symbol Signs for Character Placement, Braille and Mounting Location and Height);

**Exterior Routes of Travel** (Signs, Curb Ramps for Slope of Curb Ramps, Beveled Lip Detectable Warnings) and General Accessibility for Entrances, Exits and Paths of Travel (Detectable Warnings at



Transit Boarding Platforms); Accessible Parking Required (Less Than Five Spaces, Parking Space Size); and General Accessibility for Entrances, Exits and Paths of Travel (Ramp Width for Entrance and Special Occupancy).

The following Figures are also amended:

**Figure 11B-1A** (Single-Accommodation Toilet Facility, Accessible Water Closet Compartment Within a Multiple-Accommodation Toilet Facility and Side Elevation);

**Figure 11B-1B** Multiple-Accommodation Toilet Facility;

**Figure 11B-1D** Knee Clearance (Side Elevation and Plan View);

**Figure 11B-2A** Roll-In-Shower (Roll-in Shower—A, Plan Roll-in-Shower—C, Elevation at Shower Typical for A—C and Folding Seat);

**Figure 11B-2B** Roll-In Shower (Perspective of Roll-in-Shower—B and Roll-in Shower—B);

**Figure 11B-2C** Open Shower (Plan and Elevation);

**Figure 11B-14A** International TTY Symbol;

**Figure 11B-14B** Volume Control Telephones;

**Figure 11B-14C** International Symbol of Access for Hearing Loss;

**Figure 11B-18A** Double Parking Stalls;

**Figure 11B-18B** Single Parking Stalls;

**Figure 11B-18C** Diagonal Parking Stalls;

**Figures 11B-19A, 19B** Curb Details

**Figure 11B-20A** Curb Detail-Cases A and B;

**Figure 11B-20B** Curb Detail Cases C and D;

**Figure 11B-20C** Curb Detail Cases E and F;

**Figure 11B-20D** Curb Detail Cases G and H;

**Figure 11B-21** Returned Curb Style; and

**Figure 11B-23A** Truncated Domes.

Non-substantive adoptions, amendments or repeals effect:

## **Part 2—CALIFORNIA BUILDING CODE**

Chapter 11A is being renumbered. DSA/AC is amending all DSA/AC adopted cross-references to be consistent with the new numbering formation of Chapter 11A as follows:

**Chapter 2—Definitions of:** Accessible, Accessibility, Accessible Route of Travel, Adaptable Dwelling Unit, Assistive Device, Automatic Door, Bathroom, Building Entrance on an Accessible Route, Common Use Areas, Covered Multifamily Dwellings, Cross Slope, Curb Cut, Curb Ramp, Detectable Warning, Dwelling Unit, Equivalent Facilitation, Facility (or Facilities), Grab Bar, Ground Floor, Handrail, Kick Plate, Level Area, Lift, Special Access, Marked Crossing, Multistory Dwelling Unit, Newly Constructed, Nose, Nosing, Open Riser, Passage Door, Pedestrian, Pedestrian Ramp, Pedestrian Way, Person With Disability, Persons With Physical Disabilities, Powder Room, Publicly Funded, Public Use Area, Ramp, Riser, Sleeping Accommodations, Slope, Spe-

cial Access Lift, Stair Railing, Toeboard, Townhouse, Tread, Tread Depth, Tread Run, Vehicular or Pedestrian Arrival Points, and Walk;

**Chapter 10**—1003.3.1.3 Note, 1003.3.1.6.1 Note and 1003.3.3.6.1.1 Note;

**Chapter 11B**—1111B.4.4, 1114B.1.1, 1115B.2.1 Note 1, 1127B.3, and 1133B.5.7.3 Exception 3;

**Chapter 11C**—1101C.1 definitions of Accessible, International Symbol of Accessibility and Level Area;

**Chapter 30**—3001 through 3001.1, 3003 through 3003.4.17;

## **Part 5—CALIFORNIA PLUMBING CODE**

DSA/AC is proposing to delete the 2001 Edition of the California Plumbing Code which is based on the 2000 Edition of the Uniform Plumbing Code (UPC). DSA/AC is proposing to adopt by reference the 2003 Edition of the UPC, with necessary CA amendments by adopting carrying forward existing CA amendments and by making other non-substantive amendments or repeals.

## **Changes without regulatory effect**

DSA/AC is proposing several changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24. These changes without regulatory effect include, but are not limited to:

1. Renumbering, reordering, or relocating a regulatory provision;
2. Revising structure, syntax, cross-reference, grammar, spelling or punctuation in:

## **Part 2—CALIFORNIA BUILDING CODE**

### **Chapter 1—Administration**

### **Chapter 2—Definitions and Abbreviations**

### **Chapter 10—Means of Egress**

### **Chapter 11B—Accessibility to Public Buildings, Public Accommodations, Commercial Buildings, and Publicly Funded Housing**

## **PART 2**

## **FISCAL IMPACT**

### **Estimate of Cost or Savings**

Cost or Savings to any state agency: Yes

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: Yes

Cost or savings in federal funding to the state: None

These proposed regulations are applicable to publicly funded buildings, structures, sidewalks, curbs and related facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities.

Descriptions of the cost impacts to state and local agencies for each proposed regulatory action are listed below:

CCR, Title 24, Part 2

- Section 1104B.5 item 8—Food Preparation Areas  
When alterations or additions are made to an existing dining, banquet or bar facility, costs may be incurred to widen non-compliant aisles in food preparation areas. New construction may also incur additional space requirements.  
Eliminating access barriers in these facilities will provide increased employment opportunities for persons with disabilities.
- Section 1117B.5.1 item 4—Plan Review and Inspection  
When signage is added, replaced or altered due to alterations or additions to an existing building or facility, costs may be incurred to submit plans and specifications or other documents to the enforcing agency for review and approval.  
Senate Bill 1242 (Sept. 2000) was passed to address noncompliance with existing California Building Code requirements for visual and tactile signage. Ensuing law directs DSA to develop regulations to ensure compliance with existing regulations related to visual and tactile signage.
- Section 1117B.5.2—Finish and Contrast  
When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.  
This proposed regulation will provide clarity for building officials, contractors, design professionals and manufacturers by establishing a measurable standard for contrast. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. The proposed regulation incorporates recommendations found in Appendix A of the ADA Standards.
- Section 1117B.5.5—Raised Characters and Pictorial Symbol Signs  
When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.  
More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. The proposed regulation will provide consistency with national building standards.

- Section 1117B.5.6—Braille

When alterations or additions are made to an existing building or facility, costs may be incurred to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project. Lower long-term maintenance costs may be achieved because domed or rounded Braille dots are more durable and less likely to chip or break off than cylindrical shaped dots.

Sharp, tapering or pointed Braille dots may irritate fingers and confuse the Braille reader. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1127B.5 item 5—Beveled Lip

When alterations or additions are made to an existing building or facility, costs may be incurred to remove the beveled lip at existing curb ramps. Costs will remain consistent for newly installed curb ramps.

A greater level of accessibility will be provided for persons with mobility impairments, i.e. wheelchair or walker users. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

- Section 1127B.5 item 7—Detectable Warnings

Existing CBC regulations require detectable warning at curb ramps only when the slope is less than 6.7%, however under the proposed regulation, building owners may incur additional costs to install detectable warning at all new curb ramps with slopes in excess of 6.7%. Installation costs may be reduced at some locations because less material will be required to provide a 36 inch depth of detectable warning rather than the current full depth requirement. When alterations or additions are made to an existing building or facility, costs may be incurred to install or replace detectable warning at curb ramps along exterior routes of travel.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1133B.8.3—Detectable Warning at Transit Boarding Platforms

When alterations or additions are made to an existing building or facility, costs may be incurred to replace detectable warning at transit boarding platforms.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- **Section 1129B.2—Less Than Five (Parking) Spaces**

When new construction occurs or when alterations or additions are made to an existing building or facility where less than five parking spaces are provided, costs may be incurred to provide a wider loading and unloading area at the accessible parking space.

Persons with disabilities will have increased access to public accommodations and commercial facilities. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

In addition to the cost impacts described above, CCR, Title 24, Part 2, Section 101.17.11 mandates enforcement for these proposed regulations to the following:

- The Director of General Services where state funds are utilized for any project, or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.
- The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

These proposed regulations are applicable to privately funded public accommodations and commercial facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities. Descriptions of the cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory actions are listed below:

CCR, Title 24, Part 2

- **Section 217-P (Definition of) Public Accommodation**

When new construction occurs or when alterations or additions are made to an existing lodging house, a building owner or business may incur costs to

provide accessibility in buildings containing not more than 5 rooms for rent or hire if they are not actually occupied by the proprietor of the establishment as the residence of the proprietor.

Persons with disabilities will have increased access to public accommodations. As a result, businesses may experience an increase in income due to greater patronage by persons with disabilities. This proposed regulatory action will provide greater consistency with the minimum federal requirements found in the ADA Regulation for Title III.

- **Section 1104B.5 item 8—Food Preparation Areas**

When alterations or additions are made to an existing dining, banquet or bar facility, a building owner or business may incur costs to widen noncompliant aisles in food preparation areas. New construction may also incur additional space requirements.

Eliminating access barriers in these facilities will provide increased employment opportunities for person with disabilities.

- **Section 1117B.5.1 item 4—Plan Review and Inspection**

When signage is added, replaced or altered due to alterations or additions to an existing building or facility, the building owner or business may incur costs to submit plans and specifications or other documents to the enforcing agency for review and approval.

Senate Bill 1242 (Sept. 2000) was passed to address noncompliance with existing California Building Code requirements for visual and tactile signage. Ensuing law directs DSA to develop regulations to ensure compliance with existing regulations related to visual and tactile signage.

- **Section 1117B.5.2—Finish and Contrast**

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

This proposed regulation will provide clarity for building officials, contractors, design professionals and manufacturers by establishing a measurable standard for contrast. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation incorporates recommendations found in Appendix A of the ADA Standards.



- Section 1117B.5.5—Raised Characters and Pictorial Symbol Signs

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace existing noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project.

More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1117B.5.6—Braille

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace noncompliant signs. Costs will remain consistent for new signs installed during new construction or as part of an alteration or addition project. Building owners may incur lower long-term maintenance costs because domed or rounded Braille dots are more durable and less likely to chip or break off than cylindrical shaped dots. Sign manufacturers may incur costs related to altering production techniques.

Sharp, tapering or pointed Braille dots may irritate fingers and confuse the Braille reader. More consistent and usable signage will provide a greater level of safety for blind and visually-impaired persons. This proposed regulation will provide consistency with national building standards.

- Section 1127B.5 item 5—Beveled Lip

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to remove the beveled lip at existing curb ramps. Costs will remain consistent for newly installed curb ramps.

A greater level of accessibility will be provided for persons with mobility impairments, i.e. wheelchair or walker users. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

- Section 1127B.5 item 7—Detectable Warnings

Existing CBC regulations require detectable warning at curb ramps only when the slope is less than 6.7%, however under the proposed regulation, building owners may incur additional costs to install detectable warning at all new curb ramps with slopes in excess of 6.7%. Installation costs may be reduced at some locations because less material will be required to provide a 36 inch depth of detectable warning rather than the current full depth requirement. When alterations or additions are made to an existing building or facility, the building owner or

business may incur costs to install or replace detectable warning at curb ramps along exterior routes of travel. Some detectable warning manufacturers may incur retooling costs, although most manufacturers have already voluntarily implemented the new design standards.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1133B.8.3—Detectable Warning at Transit Boarding Platforms

When alterations or additions are made to an existing building or facility, the building owner or business may incur costs to replace detectable warning at transit boarding platforms. Some detectable warning manufacturers may incur retooling costs, although most manufacturers have already voluntarily implemented the new design standards.

The proposed in-line dome orientation will benefit persons with mobility impairments, i.e. wheelchair and walker users. The in-line dome orientation will also provide conformance with recommended national standards found in the US Access Board's Draft Guidelines for Accessible Public Rights-of-Way.

- Section 1129B.2—Less Than Five (Parking) Spaces

When new construction occurs or when alterations or additions are made to an existing building or facility where less than five parking spaces are provided, the building owner or business may incur costs to provide a wider loading and unloading area at the accessible parking space.

Persons with disabilities will have increased access to public accommodations and commercial facilities. As a result, businesses may experience an increase in income due to greater patronage by persons with disabilities. This proposed regulation will provide conformance with minimum federal requirements found in the ADA Standards.

### **Initial Determination of Significant Effect on Housing Costs**

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

(The CBSC contact designated below will make the DSA evaluation of the effect of the proposed regulatory action on housing costs available upon request.)



### Mandate on Local Agencies or School Districts

The DSA has determined that the following proposed regulatory actions would impose a mandate on local agencies or school districts:

CCR, Title 24, Part 2

- Section 1104B.5 item 8—Food Preparation Areas
- Section 1117B.5.1 item 4—Plan Review and Inspection
- Section 1117B.5.2—Finish and Contrast
- Section 1117B.5.5—Raised Characters and Pictorial Symbol Signs
- Section 1117B.5.6—Braille
- Section 1127B.5 item 5—Beveled Lip
- Section 1127B.5 item 7—Detectable Warnings
- Section 1133B.8.3—Detectable Warning at Transit Boarding Platforms
- Section 1129B.2—Less Than Five (Parking) Spaces

The mandate would not require reimbursement by the State pursuant to CA Government Code Section § 17500. Some of these proposed regulatory actions implement the Federal mandate contained in 28 CFR Part 36 (rev 7/1/94)—ADA Standards for Accessible Design. In addition, CA Government Code § 4450 requires that DSA develop regulations and building standards relating to access for people with disabilities, and requires that these regulations and building standards in no case prescribe a lesser standard of accessibility or usability than provided by existing federal ADA Standards. These proposed regulatory actions affect both the public sector and the private sector. They are not unique to local agencies or school districts.

### ECONOMIC IMPACT

#### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

A. Identification of the types of businesses that would be affected.

These proposed regulations are applicable to privately funded public accommodations and commercial facilities when new building construction occurs or when alterations, structural repairs, or additions are made to existing buildings or facilities. The specific types of businesses that would be affected by each proposed regulatory action are listed below:

CCR, Title 24, Part 2

- Section 217-P (Definition of) Public Accommodation

Lodging houses located within buildings containing not more than 5 rooms for rent or hire and that are not actually occupied by the proprietor of the establishment as the residence of the proprietor.

- Section 1104B.5 item 8—Food Preparation Areas Dining, banquet and bar facilities with food preparation areas utilizing aisles widths of less than 36 inches in areas serving employees only.

- Section 1117B.5.1 item 4—Plan Review and Inspection

The current CA Building Code contains detailed specifications for identification, directional, informational and accessibility signage. As mandated by Senate Bill 1242, this proposed regulatory action ensures that these features are not exempt from the plan review and inspection process, and requires the purchase and use of templates, guides, or other tools to verify compliance.

- Section 1117B.5.2—Finish and Contrast

Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance.

- Section 1117B.5.5—Raised Characters and Pictorial Symbol Signs

Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance.

- Section 1117B.5.6—Braille

Existing privately funded public accommodations and commercial facilities utilizing identification, directional, informational and accessibility signage that is not in compliance. Sign manufacturers may incur costs.

- Section 1127B.5 item 5—Beveled Lip

Existing privately funded public accommodations and commercial facilities utilizing curb ramps with beveled lip along exterior routes of travel.

- Section 1127B.5 item 7—Detectable Warnings

Privately funded public accommodations and commercial facilities utilizing curb ramps along exterior routes of travel. Detectable warning manufacturers may incur costs.

- Section 1133B.8.3—Detectable Warning at Transit Boarding Platforms

Existing privately funded public accommodations and commercial facilities utilizing curb ramps along transit boarding platforms. Detectable warning manufacturers may incur costs.

- Section 1129B.2—Less Than Five (Parking) Spaces

Privately funded public accommodations and commercial facilities where less than five parking spaces are provided.

- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.

CCR, Title 24, Part 2, Section 101.17.11 mandates enforcement of these proposed regulations, where private funds are utilized, to “the building department of every city, county, or city and county within the territorial area of its city, county, or city and county”. Building department is defined as “the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.” Plans and specifications or other documents indicating compliance with the proposed regulations shall be submitted to the enforcing building department for review and approval when new building construction occurs or when alterations, structural repair, or additions are made to existing buildings or facilities.

C. The DSA has made an initial determination that the proposed regulatory actions may have a significant adverse economic impact on businesses. These proposed regulatory actions will not affect the ability of California businesses to compete in other states because they implement the Federal mandate contained in 28 CFR Part 36 (rev 7/1/94)—ADA Standards for Accessible Design which is applicable to businesses in all states. The DSA has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishments of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

#### **Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

A. The creation or elimination of jobs within the State of California.

The effect of the proposed regulatory actions on the creation or elimination of jobs within the State is unknown.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

The effect of the proposed regulatory actions on the creation of new businesses or the elimination of existing businesses within the State are unknown.

C. The expansion of businesses currently doing business with the State of California.

The effect of the proposed regulatory actions on the expansion of businesses currently doing business with the State is unknown.

### **PART 5**

#### **INFORMATIVE DIGEST**

##### **Summary of Existing Laws**

GC§ 4450 through 4461 provides for access to public buildings by persons with disabilities.

GC§ 12955.1 provides that regulations shall be developed by the Office of the State Architect for public housing, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code.

H&SC§ 18949.1 provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

H&SC§ 19952 through 19954 provides for access to places of public amusement and resort by persons with disabilities.

H&SC§ 19955 through 19959 provides for access to public accommodations by persons with disabilities.

##### **Existing Regulations & Effect**

The 2001 California Plumbing Code (CPC) incorporates by adoption the 2000 edition of the UPC of the International Association of Plumbing and Mechanical Officials (IAPMO) with necessary DSA access compliance CA amendments. These existing standards which prescribe plumbing requirements for accessibility to public buildings, public accommodations, commercial buildings and publicly funded housing are promulgated by the DSA. These regulations are contained in Title 24, Part 5.

##### **Summary of Effect**

DSA proposes repeal of the 2000 edition of the UPC and adoption of the 2003 edition of the UPC with existing necessary CA amendments. The outcome of this proposed action would update Title 24, Part 5, adopting more clarifying standards for accessibility. Other non-substantive amendments are proposed in the CPC, Chapters 1, 2, 3, 4 and 16 as described in the Initial Statement of Reasons. All adoptions, amendments, and repeals are included in the Express Terms shown in ~~strikeout~~ and underline for Part 5.

##### **Comparable Federal Statute or Regulations**

Federal Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities as published in the Federal Register July 26, 1991 and the Federal Fair Housing Amendments Act of 1988 are the only Federal provisions the DSAA is aware of which apply to these proposed code changes.

## Policy Statement Overview

The broad objective of the proposed action is to maintain plumbing regulations in conformance with current state law and federally-recognized accessibility design standards.

## PART 5

### FISCAL IMPACT

#### Estimate of Cost or Savings

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

CCR, Title 24, Part 5, Section 101.11.9 mandates enforcement for these proposed regulations to the following:

- The Director of General Services where state funds are utilized for any project, or where funds of counties, municipalities or other political subdivisions are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.
- The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized.

#### Cost Impact on Representative Private Persons or Businesses

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a cost impact on representative private person or business.

#### Initial Determination of Significant Effect on Housing Costs

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.

#### Mandate on Local Agencies or School Districts

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a mandate on local agencies or school districts.

## ECONOMIC IMPACT

### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The DSA has determined that the proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24 and would not have a significant statewide adverse economic impact on businesses.

The DSA/AC has determined that there are no other reasonable alternatives considered that would be more appropriate in carrying out the purpose for which these plumbing requirements for accessibility are proposed or would be effective and less burdensome to affected private persons than the proposed access compliance regulations.

The DSA invites you to submit proposals addressing reasonable alternatives to the proposed plumbing requirements.

### Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

- A. The creation or elimination of jobs within the State of California.

The effect of the proposed regulatory actions are not intended to create or elimination of jobs within the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.

- B. The creation of new businesses or the elimination of existing businesses within the State of California.

The effect of the proposed regulatory actions are not intended to create new businesses or eliminate existing businesses within the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.

- C. The expansion of businesses currently doing business with the State of California.

The effect of the proposed regulatory action is not intended to expand businesses currently doing business with the State. The proposed regulatory actions are changes which do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of Title 24.



## APPENDIX C

### CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ STRUCTURAL SAFETY

**DSA/SS 01/04 Part 2** (Item 6 in monograph 2 of 4)

**DSA/SS 02/04 Part 4** (Item 14 in monograph 3 of 4)

**DSA/SS 03/04 Part 5** (Item 19 in monograph 3 of 4)

## PART 2

### INFORMATIVE DIGEST

#### Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

#### Summary of Existing Regulations

Existing building standards which prescribe requirements for building design and construction of state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24 Part 2, Volumes 1 and 2.

#### Summary of Effect

The proposed action would update Part 2, adopting the more recent edition of the national design standard for wood construction, and would make editorial corrections to the general structural design, foundation and steel design provisions, including the adoption of errata previously issued by the model building code organization.

#### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

#### Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and nationally-recognized structural design standards.

## PART 4

### INFORMATIVE DIGEST

#### Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection

of mechanical systems of public elementary and secondary schools, and community colleges.

#### Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of mechanical systems for state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect.

These regulations are contained in Title 24, Part 4 (California Mechanical Code), and include the adoption of the Uniform Mechanical Code (UMC), 2000 edition. Title 24, Part 4 also includes DSA amendments clarifying the scope of application of these adopted standards (DSA's jurisdiction), and reference to seismic anchorage requirements of the California Building Code that are applicable to mechanical equipment and systems.

#### Summary of Effect

The proposed action would update Title 24, Part 4 by adopting the most recent edition of the model code (UMC, 2003 edition), and repealing adoption of the UMC, 2000 edition. DSA amendments will be continued, except those amendments that are now contained in the model code proposed for adoption (2003 edition UMC).

#### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

#### Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with state law, by adopting the most recent edition model mechanical code.

## PART 5

### INFORMATIVE DIGEST

#### Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

#### Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect.



These regulations are contained in the Title 24, Part 5 (California Plumbing Code), and include the adoption of the Uniform Plumbing Code (UPC), 2000 edition. Title 24, Part 5, also includes DSA amendments clarifying the following:

- Scope of application of these adopted standards, which includes public schools, community colleges, and state essential services buildings.
- Reference to seismic anchorage requirements of the California Building Code that are applicable to plumbing equipment and piping.
- Non-adoption by DSA-SS of model code provisions contained in Chapter 6 (Water Supply and Distribution) regarding cross-linked polyethylene (PEX) tubing.
- Allowed uses of ABS and PVC for sanitary drainage piping (Chapter 7), which include use in relocatable classroom buildings only.
- Definition of earthquake-actuated gas shut-off valves (Chapter 12) and reference to California Reference Standard 12-16-1.

#### **Summary of Effect**

The proposed action would update Title 24, Part 4 by adopting the most recent edition of the model code (UPC, 2003 edition), and repealing adoption of the UPC, 2000 edition. DSA amendments will be continued. Also proposed are changes to the current DSA amendments in Chapter 6 which specify the non-adoption of model code provisions for PEX tubing. These proposed changes would specify non-adoption by DSA of new model code provisions for PEX-AL-PEX piping.

#### **Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

#### **Policy Statement Overview**

The broad objective of the proposed action is to maintain building regulations in conformance with current state law, by adopting the most current edition of the model plumbing code.

### **PARTS 2, 4, & 5**

#### **FISCAL IMPACT**

##### **Estimate of Cost or Savings**

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

##### **Cost Impact on Representative Private Persons or Businesses**

The Division of the State Architect is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

#### **Initial Determination of Significant Effect on Housing Costs**

The Division of the State Architect has made an initial determination that this proposal WOULD NOT have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

#### **Mandate on Local Agencies or School Districts**

The Division of the State Architect has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

#### **ECONOMIC IMPACT**

##### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The Division of the State Architect has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

##### **Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

- The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that this proposal has no effect.

- The expansion of businesses currently doing business with the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

#### **APPENDIX D**

##### **CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**HCD 03/04 Part 2** (Item 2 & 4 in monograph 1 of 4)

**HCD 04/04 Part 3** (Item 9 in monograph 2 of 4)

**HCD 02/04 Part 4** (Item 15 in monograph 3 of 4)

**HCD 01/04 Part 5** (Item 20 in monograph 3 of 4)

INFORMATIVE DIGEST

**Summary of Existing Laws**

Sections 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require the Department to propose the adoption, amendment, or repeal of building standards by the California Building Standards Commission.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The California Building Standards Commission is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires the Department to adopt building standards for employee housing for “ . . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Section 19990 requires the Department to adopt building standards for factory-built housing.

HSC sections 18300, 18630, and 18640 require the Department to adopt building standards for mobile-home parks and special occupancy parks which the department determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act and for toilets, shower, and laundry facilities in parks.

**Summary of Existing Regulations**

The California Building Codes are in Part 2 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, which adopted by reference the 1997 Uniform Building Code with California Amendments.

**Summary of Effect**

The Department proposes to adopt, amend, or repeal sections of the 2001 edition of the CBC, with State amendments, as indicated on the attached proposed matrix table, into Part 2, Title 24, CCR for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the occupancy is for public use in accordance with Health and Safety

Code, Division 13, Part 1.5 commencing with Section 17910, including sections 17921 and 17922.

- b) **Employee Housing Act:** relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Park, Recreational Vehicle Park, Travel Trailer Park, or Special Occupancy Park:** relative to the use of mechanical equipment and systems in or on any permanent buildings and accessory building and structures within the park in accordance with Health and Safety Code Sections 18300, 18630, and 18640.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assembly in accordance with Health and Safety Code, Division 13, Part 6 commencing with Section 19960, including Section 19990.

**PARTS 2, 3, 4, & 5**

**FISCAL IMPACT**

**Estimate of Cost or Savings**

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

**Cost Impact on Representative Private Persons or Businesses**

The Department of Housing and Community Development is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Initial Determination of Significant Effect on Housing Costs**

The Department of Housing and Community Development has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC will make the Department of Housing and Community Development evaluation of the effect of the proposed regulatory action on housing costs available upon request.

**Mandate on Local Agencies or School Districts**

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

**Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The Department of Housing and Community Development has made an initial determination that the proposed action will not have a significant adverse economic impact on business, including the ability of California businesses to compete in other states. (See *Economic Impact of the Proposed Changes to the California Building Code (CBC) on Private Persons and Businesses in the State of California* in the rulemaking file.)

**Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

The Department of Housing and Community Development has made an initial determination as to whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

**These regulations will not effect the creation of or cause the elimination of jobs within the State of California.**

- The creation of new businesses or the elimination of existing businesses within the State of California.

**These regulations will not effect the creation of new businesses or the elimination of existing businesses within the State of California.**

- The expansion of businesses currently doing business with the State of California.

**These regulations will not effect the expansion of businesses currently doing business within the State of California.**

(See *Economic Impact of the Proposed Changes to the California Building Code (CBC) on Private Persons and Businesses in the State of California* in the rulemaking file.)

APPENDIX E

CODE CHANGE SUBMITTAL PROPOSED BY  
THE OFFICE OF STATEWIDE HEALTH  
PLANNING AND DEVELOPMENT

- OSHPD 01/04 Part 1** (Item 1 in monograph 1 of 4)  
**OSHPD 02/04 Part 2** (Item 7 in monograph 2 of 4)  
**OSHPD 03/04 Part 3** (Item 10 in monograph 3 of 4)  
**OSHPD 04/04 Part 4** (Item 12 in monograph 3 of 4)  
**OSHPD 05/04 Part 5** (Item 17 in monograph 3 of 4)

INFORMATIVE DIGEST

**Summary of Existing Laws**

Health and Safety Code, Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum

standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code, Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code, Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code, Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Government Code, Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations with are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with Section 18901).

**Summary of Existing Regulations**

OSHPD currently enforces the California Code of Regulations, Title 24, Part 2, 2001 California Building Code (CBC) with California amendments relating to requirements for health facilities.

**Summary of Effect**

This proposal will amend provisions of the 2001 edition of the CBC regarding the requirements for the construction of hospitals, skilled nursing facilities, clinics and correctional treatment centers. The proposal deletes the requirement for operable windows in hospitals and skilled nursing facilities and clarifies that requirements for skilled nursing facilities also applies to distinct part units on a hospital license and within hospital buildings. It will clarify that requirements for utilities and systems serving hospital buildings do not apply to licensed clinics. It also the proposal includes modifications to the seismic design procedures for nonstructural components, editorial clarification to requirements for foundation design, concrete design, masonry design, steel design, wood design, and adoption of a more edition of the National Design Specification for Wood, published by the American Forest and Paper Association. This proposed action is consistent with current statute. Additionally, amendments will clarify application of the code for OSHPD 1 and OSHPD 2 for skilled nursing facilities.

**PARTS 1, 2, 3, 4, & 5**

FISCAL IMPACT

**Estimate of Cost or Savings**

Cost or Savings to any state agency: None  
 Cost to any local agency: None  
 Cost to any school district: None



Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

**Cost Impact on Representative Private Persons or Businesses**

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Initial Determination of Significant Effect on Housing Costs**

The OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

**Mandate on Local Agencies or School Districts**

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

**Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The OSHPD has made a determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

The proposed action would have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed action would have no effect on the creation of new businesses or elimination of existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California.

The proposed action would have no effect on the expansion of businesses currently doing business with the State of California.

**APPENDIX F**

**CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF THE STATE FIRE MARSHAL**

**SFM 05/04 Part 2** (Item 8 in monograph 2 of 4)

**SFM 01/04 Part 4** (Item 13 in monograph 3 of 4)

**SFM 02/04 Part 5** (Item 18 in monograph 3 of 4)

**SFM 04/04 Part 9** (Item 22 in monograph 4 of 4)

**SFM 03/04 Part 12** (Item 24 in monograph 4 of 4)

**INFORMATIVE DIGEST (SFM)**

**Summary of Existing Laws**

**H & S Code § 1597.46** The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for fire and life safety in large family day care homes.

**H&SC § 13143**—The SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

**H&SC § 18949.2(b)**—The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy in the development of the state's codes related to fire and life safety.

**H & S Code § 13113** An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

**H & S Code § 13114** The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**H & S Code § 13211** The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

**Education Code § 17074.50** On and after July 1, 2002, all new construction projects submitted to the Division of the State Architect pursuant to this chapter, including, but not limited to, hardship applications, that require the approval of the Department of General Services shall include an automatic fire detection, alarm, and sprinkler system as set forth in Section 17074.52 and approved by the State Fire Marshal.

These provisions shall entitle the school district to all applicable reductions in code requirements, as provided in the California Building Standards Code (Title 24 of the California Code of Regulations).

**Education Code § 17074.52.** (a) For modernization projects, the automatic fire detection and alarm system required pursuant to subdivision (b) of Section 17074.50 shall consist of smoke or heat detectors, or a



combination thereof, as determined by the State Fire Marshal, installed in the school building. The alarm, upon activation of an initiating device, shall alert all occupants and shall transmit the alarm signal to an approved supervising station.

- (b) For new construction projects, the automatic fire detection, alarm, and sprinkler system required pursuant to subdivision (a) of Section 17074.50, shall in addition to compliance with subdivision (a), include an automatic fire sprinkler system installed in the school building including, but not necessarily limited to, attic spaces.

**H & S Code § 17921(b)** The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

**Health and Safety Code (H & S Code) § 18928(a)** requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

**SB 331 (1979)** provided legislation to require building standards in CCR Titles to be moves into Title 24, CCR.

#### **Summary of Existing Regulations and Effect—Parts 2 and 9**

The State Fire Marshal currently adopts and enforces the 2001 California Building Code, Part 2, and the 2001 California Fire Code, Part 9, as part of the California Code of Regulations, Title 24 with State Fire Marshal amendments relating to fire and panic safety.

This proposed action will amend the 2001 California Building Code (CBC) and the California Fire Code (CFC). The SFM has proposed amendments based upon their statutory authority over regulations relating to fire, panic and safety. This action is consistent with current statute.

The specific existing regulations and effect are as follows:

#### **Chapter 1 (CBC) and Article 1 (CFC) Application**

Conforms language with that of statute, and updates statutory authority and reference.

**Chapter 3 (CBC) Use or Occupancy 305.11.3** Exempted Portable Buildings: This existing section provides an exception to the fire alarm system requirements for portable school buildings. The SFM proposes clarifying amendments to this section.

#### **Chapter 9 (CBC) Fire Protection Systems**

##### **Section 904—Fire Extinguishing Systems**

**904.1.1 General:** This existing section requires buildings used for high pile combustible storage to comply with the fire code. The SFM proposes to amend this section by referencing California Fire Code compliance.

**904.1.2 Standards.** This existing section gives requirements for compliance of fire extinguishing systems with listed standards. The SFM proposes to amend this section by removing specific references to standards in chapter 35 and replacing them with general language referencing chapter 35 and Article 91 of the California Fire Code.

**904.2.1 Where Required:** This existing section requires automatic fire extinguishing systems to be located in buildings according to the following standards. The SFM proposes to clarify this section by specifying compliance under the California Fire Code.

#### **Article 10 (CFC) Fire Protection Systems and Equipment**

**Section 1003.2.4.4.3—**This section will now require that buildings on a school campus that have an approved automatic sprinkler system installed are now entitled to the applicable fire-resistive substitutions of Section 508 of the 2001 CBC.

#### **Chapter 10 (CBC) Means of Egress and Article 10 (CFC) Fire Protection Systems and Equipment**

**CBC § 1007.5.4 Corridors.** This existing section provides space requirements for corridors in areas serving nonambulatory persons, with exceptions. The SFM proposes to amend this section by adding occupancy divisions that the exceptions apply to. CBC § 1007.5.4 and CFC § 1003.2.7.2. The SFM is also proposing the addition of exceptions for nursing stations and requirements for smoke detectors for the added occupancies.

#### **Article 10 (CFC) Fire Protection Systems and Equipment**

**Section 1006.2.9.1.1, Exception 2—**This section requires that in new Group R occupancies the actuation of a flow of water or manual station shall notify the building occupants. A minimum of one manual station is required. All initiating devices shall be electrically supervised.

#### **Chapter 11A (CBC) Housing Accessibility**

**1118A.1** The SFM proposes the addition of this section to require accessible means of egress under chapter 10, and when these are not available to provide an area of evacuation, with exceptions.

1118A.2.1 The SFM proposes the addition of this section to provide requirements for location and construction of areas of evacuation.

1118A.2.2 The SFM proposes the addition of this section to provide size requirements for areas of evacuation.

1118A.2.3 The SFM proposes the addition of this section to provide adjacent stairway width requirement for areas of evacuation.

1118A.2.4, 1118A.2.4.1, 1118A.2.4.2 The SFM proposes the addition of these sections to provide communication requirements for areas of evacuation.

1118A.2.5 The SFM proposes the addition of this section to provide identification requirements for areas of evacuation.

1118A.3 The SFM proposes the addition of this section to provide alternative requirements for areas of evacuation in high rise buildings

1118A.4 The SFM proposes the addition of this section to specify emergency warning systems requirements.

1118.5 The SFM proposes the addition of this section to specify areas of emergency egress.

**Chapter 35 (CBC) Uniform Building Code Standards and Article 91 (CFC) California Standards**

The amendments to these sections identify the updated references to the national standards that are adopted and amended by the SFM.

**Summary of Existing Regulations and Effect, Parts 4 and 5**

The State Fire Marshal currently adopts and enforces the 2001 California Mechanical Code and California Plumbing Code as parts of Title 24, CCR, Parts 4 and 5; with SFM amendments relating to fire and panic safety in SFM regulated occupancies.

This proposed action would adopt the 2003 Uniform Mechanical Code (UMC) and 2003 Uniform Plumbing Code by reference with SFM amendments relating to fire and life safety requirements. This action is consistent with current statute.

The SFM is proposing to bring forward to the 2004 CMC and 2004 CPC, various SFM amendments found in the 2001 CMC and 2001 CPC. The SFM's express terms include the adoption matrix tables for the 2004 CMC and 2004 CPC. These tables indicate the following:

- Existing amendments that are being carried forward from the 2001 CMC and CPC into the 2004 CMC and CPC.
- Existing 2001 UMC and 2001 UPC model code text that is being carried forward into the 2004 CMC or CPC and with permission from the publisher, International Association of Plumbing and Mechanical Officials (IAPMO) since that text does not appear in the 2003 UMC or 2003 UPC.

- Renumbering of the existing 2001 CMC and CPC that is moved into the 2003 UMC or 2003 UPC due to IAPMO's relocation of that particular chapter and or section
- Repeal of existing 2001 CMC and CPC because the 2003 UMC or 2003 CPC addresses the topic of the SFM's existing amendment
- Adopt various chapters and or sections new to the 2003 UMC or 2003 UPC.

**Summary of Existing Regulations and Effect, Part 12**

Title 24, Part 12, Special Test Standards was not included in the CBSC in the 2001 code adoption cycle. The SFM proposes moving this part forward into the current California Building Standards Code.

**PARTS 2, 4, 5, 9, & 12**

**FISCAL IMPACT**

**Estimate of Cost or Savings**

Cost or Savings to any state agency: None

Cost to any local agency: None

Cost to any school district: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

**Cost Impact on Representative Private Persons or Businesses**

The OSFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Initial Determination of Significant Effect on Housing Costs**

The OSFM has made an initial determination that this proposal would not have a significant effect on housing costs.

**Mandate on Local Agencies or School Districts**

The OSFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

**Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The OSFM has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

## TITLE MPP. DEPARTMENT OF SOCIAL SERVICES (CDSS)

ORD #0305-05

### ITEM # 1 *Fry v. Saenz* Court Case Eligibility for CalWORKs

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 13, 2005, as follows:

July 13, 2005

Office Building # 9

744 P St. Auditorium

Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 13, 2005.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are attached/available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all

the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

### CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

### CHAPTERS

Manual of Policies and Procedures Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42-100 (Age), Section 42-101 (Age Requirement)

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These regulations comply with the Judgment and Peremptory Writ of Mandate issued on July 7, 2004, in the *Fry v. Saenz* lawsuit. The California Department of Social Services (CDSS) issued All County Letters (ACL 04-33 and ACL 04-50) to provide County Welfare Departments with instructions for identifying otherwise eligible 18-year-olds for whom aid is to be provided under the provisions of the *Fry v. Saenz* writ.

Welfare and Institutions Code Section 11253 and the Manual of Policies and Procedures (MPP) Division 42, Chapter 42-101, Section 42-101.2 prohibit the granting of CalWORKs cash aid to a child who has reached 18, unless the child can reasonably be expected to graduate before age 19. The lawsuit claimed that this provision violates the American with Disabilities Act because it discriminates against recipients who would not graduate before age 19 due to a disability. The CDSS is proposing the adoption of these regulations to comply with the court order.

In proposed language, the regulations specify that, otherwise eligible 18-year-olds who attend school full-time and are considered to have a disability under the criteria specified shall continue to be eligible for CalWORKs benefits until they graduate, turn 19, or stop attending school full-time, whichever occurs first.

### COST ESTIMATE

1. Costs or Savings to State Agencies: \$1.5 million. The amount listed in this section is included in the 2004 Budget Act and is assumed to be funded from available TANF.
2. Costs to Local Agencies or School Districts: None.



3. Nondiscretionary Costs or Savings to Local Agencies: \$0.4 million. The amount listed in this section is included in the 2004 Budget Act.
4. Federal Funding to State Agencies: \$13.7 million. The amount listed in this section is included in the 2004 Budget Act and is assumed to be funded from available TANF.

#### **LOCAL MANDATE STATEMENT**

These regulations do not impose a mandate upon local agencies or school districts. There are "state-mandated local costs" in these regulations which do not require state reimbursement under Section 17500 et seq., of the Government Code because any costs associated with the implementation of these regulations are costs mandated by *Fry v. Saenz*, (Sacramento County Superior Court), Case Number 00CS01350, Judgment and Peremptory Writ of Mandate, July 7, 2004.

#### **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that the proposed regulations does not affect small businesses. These regulations affect the CalWORKs program which is administered by CDSS. California receives federal monies for this program through the Temporary Aid for Needy Families block grant from the federal government. A portion of the block grant is disbursed to counties to aid teens who are 18 years old and in school full-time and expected to graduate by the age of 19. Small businesses do not receive any monetary disbursements and do not incur a fee or cost in association with this program. This regulation does not result in any inequalities for small businesses.

#### **ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

#### **STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific *Fry v. Saenz*, (Sacramento County Superior Court), Case No. 00CS01350, Judgment and peremptory Writ of Mandate, July 7, 2004.

#### **CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Robin Garvey  
(916) 657-2586

Backup: Alison Garcia  
(916) 657-2586

#### **EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

### **TITLE MPP. DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ORD #0305-03

#### **ITEM # 1 SB 1104 CalWORKs Regulations**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 13, 2005, as follows:

July 13, 2005

Office Building # 9

744 P St. Auditorium

Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility



is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 13, 2005.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

#### CONTACT

Office of Regulations Development  
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E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

Manual of Policies and Procedures, Division 11 (Administrative Standards for Eligibility and Assistance Programs), Chapter 11-500 (Program Standards—Income Maintenance), Section 11-501 (Income Maintenance Responsibilities); Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42-300 (General Time Limit Requirements), Section 42-302 (60-Month Time Limit Requirements for Adults); Chapter 42-700 (Welfare-to-Work), Section 42-701 (Introduction to Welfare-to-Work), Section 42-710 (18- and 24-Month Time Limits), Section 42-711 (Welfare-to-Work Participation Requirements),

Section 42-712 (Exemptions From Welfare-to-Work Participation), Section 42-713 (Good Cause For Not Participating), Section 42-715 (Domestic Abuse Protocols and Training Standards); Section 42-716 (Welfare-to-Work Activities), Section 42-718 (Other Providers of Activities and Services), Section 42-719 (School Attendance), Section 42-720 (Nondisplacement Protection in Work Activities), Section 42-721 (Noncompliance with Program Requirements), Section 42-722 (Learning Disabilities Protocols and Standards); Chapter 42-800 (Welfare-to-Work Requirements for RCA Participants: Introduction), Section 42-802 (Job, Training, and Education for RCA Welfare-to-Work Participants); Chapter 42-1000 (Welfare-to-Work Supplemental Refugee Services (SRS) Component), Section 42-1009 (Mandatory Components for SRS Participants); Section 42-1010 (Optional Components for SRS Participation); Division 44 (Standards of Assistance), Chapter 44-100 (Income), Section 44-111 (Payments Excluded or Exempt From Consideration as Income), and Division 63 (Food Stamp Regulations), Chapter 63-400 (Eligibility Standards), Section 63-407 (Work Registration Requirements)

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill 1104, Chapter 229, Statutes of 2004, amends the California Work Opportunity and Responsibility to Kids (CalWORKs) Welfare-to-Work Program. The CalWORKs Welfare-to-Work Program is the employment and training component of CalWORKs, California's version of the federal Temporary Assistance for Needy Families (TANF) Program.

Federal welfare reform enacted the TANF Program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996 and limits cash aid to a family with an adult to a total of five years. The intent of the Welfare-to-Work Program is to provide employment and training services to the maximum possible number of the adult CalWORKs population to aid them in achieving economic self-sufficiency within this time frame.

To further achieve this goal, the proposed regulations will enhance the program's "work first" approach and establish a universal engagement requirement that will engage families as soon as possible in services they need to become economically self-sufficient. Participation requirements are also a key component in obtaining the CalWORKs program goal. The proposed regulations will eliminate the 18- or 24-month time limit on participation in specified education and training activities and require adults to participate in at least 20 hours per week in core welfare-to-work activities that will provide them with the necessary training to obtain employment. The

balance of their 32- or 35-hour per week participation requirement can be spent in other specified non-core activities that will aid recipients in obtaining employment. These changes will also increase the number of individuals who are participating in activities that count toward the current and anticipated TANF participation requirements.

Additionally, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

#### **COST ESTIMATE**

1. Costs or Savings to State Agencies: Net savings of \$1.5 million in FY 2004–05 and \$3 thousand in FY 2005–06. The amount listed in this section is included in the 2005 Governor’s Budget.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: Net savings of \$1.4 million in FY 2004–05 and \$3.7 million in FY 2005–06. The amount listed in this section is included in the 2005 Governor’s Budget.
4. Federal Funding to State Agencies: Net savings of \$12.8 million in FY 2004–05 and \$4.8 million in FY 2005–06. The amount listed in this section is included in the 2005 Governor’s Budget.

#### **LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs or savings to the local agencies.

#### **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### **ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

#### **STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 10531, 10532, 11320.1, 11322, 11322.6, 11322.8, 11322.9, 11324.6, 11325.21, .22, and .23, 11325, 11326, and 11454, Welfare and Institutions Code, and SB 1104 (Chapter 229, Statutes of 2004).

#### **CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Robin Garvey  
(916) 657-2586  
Backup: Alison Garcia  
(916) 657-2586

#### **EMERGENCY STATEMENT**

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

### **GENERAL PUBLIC INTEREST**

### **BOARD OF FORESTRY AND FIRE PROTECTION**

#### **NOTICE OF DECISION TO RESCHEDULE HEARING**

#### **Transition Silviculture Method, 2005**

Pursuant to Government Code Section 11346.8 (b), the State Board of Forestry and Fire Protection has

decided not to proceed with a hearing on amendments to Chapter 4 of Title 14, Section 913.2, 933.2, 953.2 and 913.11, 933.11, 953.11, Transition Silviculture Method, 2005, (Notice File No. Z05-0322-09), published in the California Regulatory Notice Register on April 1, 2005. The hearing date was originally scheduled for June 8, 2005. The decision was necessary due to a public request from the primary public proponent of the regulation. The Board is re-publishing this same notice in the May 27, 2005 Notice Register for a hearing on July 14, 2005 on the same subject matter, as required by law. The hearing will be held at 11:00 AM, at Feather River College, Gallery Room 519, 570 Golden Eagle Avenue Quincy, CA.

The Board will also publish this notice on our website:

[http://www.bof.fire.ca.gov/board/  
board\\_proposed\\_rule\\_packages.aspx](http://www.bof.fire.ca.gov/board/board_proposed_rule_packages.aspx)

## DEPARTMENT OF FISH AND GAME

### CESA CONSISTENCY DETERMINATION FOR Lower Northwest Interceptor Program Sacramento and Yolo County

The Department of Fish and Game ("Department") received a notice on May 16, 2005 that the Sacramento Regional County Sanitation District ("SRCSD") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction of about 20 miles of wastewater conveyance infrastructure and related facilities in Sacramento and Yolo Counties. The activities will require trenching of sufficient width to accommodate the pipes along the entire alignment, which will result in temporary impacts to 75.46 acres and permanent impacts to 6.86 acres of giant garter snake habitat.

The U.S. Fish and Wildlife Service, on September 10, 2004, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (1-1-04-F-0029) which considers the Federally and State threatened giant garter snake (*Thamnophis gigas*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, SRCSD is requesting a determination that federal biological opinion 1-1-04-F-0029 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, SRCSD will not be required to obtain an incidental take permit for the proposed project.

## DEPARTMENT OF FISH AND GAME

### CESA CONSISTENCY DETERMINATION FOR State Route 101 Mad River Bridge Project Humboldt County

The Department of Fish and Game ("Department") received notice on May 17, 2005 that the California Department of Transportation ("Caltrans") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of replacing the north and southbound bridges over the Mad River on State Route 101, at post mile 89.2 to 90.4 in Humboldt County. The activities will include in-water work which will impact listed fish species and will necessitate removal of 0.55 acres of riparian vegetation along the west side of the existing bridge.

The National Marine Fisheries Service, on February 2, 2005, issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (151422SWR02AR9371:DF) which considers the Federally and State threatened Southern Oregon/Northern California Coast (SONCC) Coho Salmon (*Oncorhynchus kisutch*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination on whether the federal biological opinion 151422SWR02AR9371:DF is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Caltrans will not be required to obtain an incidental take permit under CESA for the proposed project.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2005-009-02

PROJECT: Sutter Mutual Water Company  
(SMWC) Tisdale Positive Barrier Fish  
Screen Project  
LOCATION: Sacramento River Mile 118, Sutter  
County  
NOTIFIER: Max Sakato, SMWC  
APPLICANT: Sutter Mutual Water Company

#### BACKGROUND

The Sutter Mutual Water Company Tisdale Positive Barrier Fish Screen Project (hereafter, the "project") will construct a 280-foot long positive barrier fish screen at the entrance to the existing water diversion located on the Sacramento River at Mile 118, in Sutter County. The fish screen is designed to comply with National Marine Fisheries Service (NOAA Fisheries)



and California Department of Fish and Game (DFG) fish screen criteria, and is being implemented through funding provided in part by Central Valley Project Improvement Act (CVPIA) Anadromous Fish Restoration Program (AFRP) and the CALFED Bay-Delta Program. Activities associated with construction of the Project will result in potential take of giant garter snake (*Thamnophis gigas*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*), and spring-run Chinook salmon (*Oncorhynchus tshawytscha*).

Because of the project's potential for take of the giant garter snake, winter- and spring-run Chinook salmon the U.S. Bureau of Reclamation (BOR) consulted with both the U.S. Fish and Wildlife Service (Service) and NOAA Fisheries as required by the Endangered Species Act (ESA)(16 U.S.C. § 1531 et seq.). On December 6, 2004 the Service issued Biological Opinion No. 1-1-04-F-0302 which considers the project and sets forth measures to mitigate impacts to the giant garter snake. The giant garter snake is listed as threatened under the California Endangered Species Act, Fish and Game Code Sections 2050 et seq. (CESA). In a letter dated March 21, 2005, SMWC proposed an additional conservation measure for the project that would supplement the mitigation set forth in the biological opinion. On January 24, 2005 NOAA Fisheries issued Biological Opinion No. 151422SWR01SA5817:HLB which considers the project and sets forth measures to mitigate impacts to winter- and spring-run Chinook salmon. The winter-run Chinook salmon is listed as an endangered species and the spring-run Chinook salmon is listed as a threatened species under CESA. On April 4, 2005 the Director of DFG received a notice from SMWC pursuant to Fish and Game Code Section 2080.1, requesting a determination that the federal biological opinions are consistent with CESA for the proposed project.

#### DETERMINATION

Based on the terms and conditions in NOAA Fisheries biological opinion No 151422SWR01SA5817:HLB and the Service's biological opinion No 1-1-04-F-0302, as supplemented by SMWC's March 21, 2005 letter, DFG has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of species protected under CESA. Important to DFG's findings are several measures from the biological opinions, which address expected or potential impacts to Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon and giant garter snake. These measures include, but are not limited to, the following:

1. All work within potential snake habitat, including activities within aquatic habitat and activities within 200 feet of supporting upland habitat, will occur between May 1 and October 1, which coincides with the active season of this snake.
2. Within 24 hours prior to initiation of construction activities, or a break (2 weeks or more) in construction activity, an approved biologist will survey the site to confirm that there are no snakes present. If snakes are present, they will be allowed to move away from construction activities on their own.
3. Although no aquatic snake habitat is intended to be dewatered by the project, in the event that this is needed, aquatic snake habitat will be dewatered 15 days prior to the initiation of construction activities. If complete dewatering is not possible, potential snake prey (i.e., fish and tadpoles) will be removed so that snakes and other wildlife are not attracted to the construction area.
4. Construction and maintenance personnel will participate in an approved worker environmental awareness training program. Under the guidelines of this program, workers shall be informed about the presence of snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of ESA. Prior to construction activities, a qualified biologist shall instruct construction personnel about: the life history of the snake; the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the species; and the terms and conditions of the biological opinion. Colored photographs of the snake will be distributed during the training session for posting on the job site.
5. The monitoring biologist will be available on an on-call basis. If a snake is encountered during construction activities, the biologist will have the authority to halt work in the area immediately adjacent to the snake until appropriate corrective measures have been implemented, or it is determined that the snake will not be harmed.
6. Clearing of wetland vegetation will be confined to the minimal area necessary for fish screen construction and fill placement.
7. To the extent possible, construction activities within 200 feet from the banks of snake aquatic habitat will be avoided.
8. Project-related vehicles shall observe a 15-mph speed limit within construction areas, except on county roads and State and Federal highways. This is particularly important during periods when the snake may be sunning or moving on roadways.



9. Movement of heavy equipment to and from the project site shall be restricted to established roadways to minimize habitat disturbance.
10. Any erosion control matting will not include monofilament or plastic; the matting will be comprised of jute, straw, coconut matting, or other natural fibers.
11. Snakes encountered during construction activities will be allowed to move away from construction activities on their own. Capture and relocation of trapped or injured animals will not be allowed.
12. Monitoring will be performed by a qualified biologist in accordance with established protocols and survey procedures. The monitoring biologist would be available on an on-call basis. In the event that a snake is found at the construction or stockpile site, work in the immediate area will be halted; work may not resume in the immediate area until appropriate corrective measures have been implemented or it is determined by a qualified biologist that the snake will not be harmed.
13. SMWC will construct a giant garter snake hibernaculum at a site and in a manner approved by DFG. The structure will be constructed concurrently with project implementation and cover an area 8 × 15 feet.
14. Construction dredging will be avoided during juvenile salmon outmigration.
15. A fish rescue will be conducted during the dewatering of the area behind the cofferdam. Portable pumps will be used to dewater the cofferdam area. Water depths will be reduced to a depth of approximately two feet and a team of four fishery biologists and/or field technicians will capture fish using a backpack electrofisher, a ¼-seine, and hand-held dip nets. Capture fish will be relocated to suitable habitat within the Sacramento River, downstream from the project area. A fishery biologist will be present during the construction and dewatering activities to oversee the rescue program.
16. Low-flow pumps with screened intakes will be used during cofferdam dewatering activities.

## DEPARTMENT OF FISH AND GAME

### PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

#### Research on the Unarmored Threespine Stickleback

#### *(Gasterosteus aculeatus williamsoni)*

In April 2005, the Department of Fish and Game (Department) received a research proposal regarding the San Antonio Creek unarmored threespine stickle-

back (*Gasterosteus aculeatus williamsoni*). The unarmored threespine stickleback (UTS) is a State Fully Protected fish, and a State and Federally-listed Endangered species. The applicant and any assistants are required to have a Scientific Collecting Permit (SCP) and additional special authorization from the Department for research on Fully Protected species. The applicants are also required to have an endangered species take permit from the U.S. Fish and Wildlife Service. The Department may issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant and assistants to carry out the proposed activities.

The research proposal was from Mr. Carl Page and Mr. Bradford Norman at Aquatic Resource Specialists (an environmental consulting firm). The UTS has been federally listed as an endangered species since 1970. Recent work with sticklebacks has suggested that *Gasterosteus aculeatus* may be a complex of species, and that unarmored form has coevolved in populations as far ranging as British Columbia and in southern California. The validity of the subspecies *williamsoni* has been disputed.

Mr. Page and Mr. Norman will serve as the Primary Investigators to 1) collect samples of the UTS for analysis of their intra- and inter-populational genetic variation, 2) use catch-and-release sampling to determine the presence or absence of UTS in certain locations, and 3) provide data that will facilitate future management decisions regarding critical habitat and restoration issues for the UTS.

Independent samples from at least the following areas will be collected: Barka Slough, Vandenburg Air Force Base(VAFB); San Antonio Creek at estuary, mid watershed, and upper reaches, VAFB; other watersheds on VAFB (all in San Luis Obispo County); Santa Clara River, in Los Angeles and Ventura counties, in the estuary, mid-watershed and upper watershed areas; Shay Creek; Soledad Canyon; San Felipe Creek and possibly other watersheds. Up to 40 adult specimens of each UTS population would be collected, but in no case more than 1% of the local population. The proposed activity will take place during 2005 and 2006.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected fish, it would issue the authorization on or after June 27, 2005, for a term of three years.

Contact: Habitat Conservation Planning Branch,  
1416 Ninth Street, Sacramento, CA 95814, Attn.:  
Betsy Bolster.

## **DECISION NOT TO PROCEED**

### **BOARD OF FORESTRY AND FIRE PROTECTION**

#### **NOTICE OF DECISION NOT TO PROCEED WITH REGULATORY ACTION TITLED ROAD MANAGEMENT PLAN, 2004**

Pursuant to Government Code Section 11347, the State Board of Forestry and Fire Protection has decided not to proceed with a proposed regulatory action related to adoptions to Chapter 4 of Title 14, Sections 895.1, and 1093-1093.11, Road Management Plan, 2004, (Notice File No. Z04-0810-04), published in the California Regulatory Notice Register on August 20, 2004. The Board's decision is based on continuing public input and on-going alterations the proposed regulation language since the August, 2004, publication date.

The Board intends to notice a new regulatory action similar to the regulatory action terminated under this notice in May, 2005, with hearings beginning in July, 2005, in accordance with procedures outline in GC 11346.4

## **RULEMAKING PETITION DECISIONS**

### **DEPARTMENT OF CORRECTIONS**

#### **NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS**

#### **CALIFORNIA CODE OF REGULATIONS TITLE 15, CRIME PREVENTION AND CORRECTIONS DIVISION 3, DEPARTMENT OF CORRECTIONS**

##### **PETITIONER**

Tony Protopappas.

##### **AUTHORITY**

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the

responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

##### **CONTACT PERSON**

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 358-1655.

##### **AVAILABILITY OF PETITION**

The petition to amend regulations is available upon request directed to the Department's contact person.

##### **SUMMARY OF PETITION**

Petitioner requests the Department of Corrections to amend or repeal Department Operations Manual (DOM) Section 54030 and to adopt or amend a regulation in the California Code of Regulations (CCR), Title 15, Division 3 that will allow inmates to possess the personal property items received through the canteen, package and special purchase programs in their cells beyond the current limitations.

##### **DEPARTMENT DECISION**

The Director of Corrections denies the petition to amend or repeal DOM Section 54030, or amend or adopt regulations in Title 15, Division 3, regarding personal property items.

The Petitioner requests to amend or repeal DOM Section 54030 by removing the limitations placed on expendable food, clothing and cosmetic items of property received by inmates, canteen items, 30 pound packages and special purchases.

Government Code Section 11340.6 specifically states that any interested person may petition to adopt, amend or repeal a regulation. The Petitioner's request to amend or repeal DOM Section 54030 does not meet the criteria set forth by the Government Code.

The Petitioner further requests that any regulation adopted not conflict with Penal Code Sections 2600 and 2601 or Title 15, Section 3044(d)(3)(C), G and H, the Inmate Work and Training Incentive Program.

The Department contends that the above referenced Penal Code sections do not conflict with the Title 15, which allows inmates to possess the maximum amount of food and canteen items authorized.

Section 3190, states that institutions shall permit inmates to possess in their living quarters . . . personal property items that present no threat to institution security or the safety of persons. Section 3090(b) states that the maximum monthly canteen draw authorized by the Director is \$180. The increase of the canteen draw to \$180 per month was to accommodate the raise in consumer prices, not to purchase larger quantities of canteen items. An

inmate's regular canteen purchases shall not exceed the limits specified in Section 3044. Section 3044(d)(3)(C) and (G) states privileges for privilege group A, which include maximum monthly canteen draws and receipt of four 30-pound packages per year.

The Department contends that existing regulations allow inmates to possess six (6) cubic feet of authorized personal property. This limit is necessary due to the lack of storage space and constrictive conditions in the inmates' quarters/living area. Restricting the amount of property aids staff in detecting contraband during a cell search and reduces the possibility of fire hazards in the inmate's cell. Inmate cells, quarters/livings areas are typically no larger than 6' x 10' in size. Most cells at the institutions/facilities are not single-celled, but are occupied by two inmates, thereby allowing even less space, and creating an even greater fire hazard if the six (6) cubic feet limit is not adhered to.

The Department contends that expendable items purchased monthly are meant to be consumed or used up, and are not intended to be purchased in bulk quantity. There are also open draws available to inmates so that items may be replaced throughout the month. In addition, the Department is currently standardizing inmate personal property to include exceptions to this limit, including, excess legal material related to an inmate's active case and health care appliances, potentially allowing additional space for canteen purchases and/or inmate packages.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

## PROPOSITION 65

### STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

#### CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY MAY 27, 2005

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive

toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

#### CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
<del>Allyl chloride</del>	<del>107051</del>	<del>January 1, 1990</del>
Delisted October 29, 1999		
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl		
(4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Amino-9-ethylcarbazole	153786	January 29, 1999
1-Amino-2-methylanthraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Aristolochic acids	—	July 9, 2004

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Asbestos	1332214	February 27, 1987	Chlorambucil	305033	February 27, 1987
Auramine	492808	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Azacididine	320672	January 1, 1992	Chlordane	57749	July 1, 1988
Azaserine	115026	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azathioprine	446866	February 27, 1987	Chlordimeform	6164983	January 1, 1989
Azobenzene	103333	January 1, 1990	Chlorendic acid	115286	July 1, 1989
			Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	p-Chloroaniline	106478	October 1, 1994
Benzene	71432	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine [and its salts]	92875	February 27, 1987	Chlorodibromomethane	—	—
Benzidine-based dyes	—	October 1, 1992	Delisted October 29, 1999	124481	January 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	—	—
Benzo[k]fluoranthene	207089	July 1, 1987	(Lomustine)	13010474	January 1, 1988
Benzofuran	271896	October 1, 1990	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
Benzo[a]pyrene	50328	July 1, 1987	Chloroform	67663	October 1, 1987
Benzotrichloride	98077	July 1, 1987	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl chloride	100447	January 1, 1990	3-Chloro-2-methylpropene	563473	July 1, 1989
Benzyl violet 4B	1694093	July 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Beryllium and beryllium compounds	—	October 1, 1987	4-Chloro-ortho-phenylenediamine	95830	January 1, 1988
Betel quid with tobacco	—	January 1, 1990	p-Chloro-o-toluidine	95692	January 1, 1990
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bis(2-chloroethyl)ether	111444	April 1, 1988	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987	Chloroprene	126998	June 2, 2000
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	Chlorothalonil	1897456	January 1, 1989
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorotrianisene	569573	September 1, 1996
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chlorozotocin	54749905	January 1, 1992
Bitumens, extracts of	—	—	Chromium (hexavalent compounds)	—	February 27, 1987
steam-refined and air refined	—	January 1, 1990	Chrysene	218019	January 1, 1990
Bracken fern	—	January 1, 1990	C.I. Acid Red 114	6459945	July 1, 1992
Bromate	15541454	May 31, 2002	C.I. Basic Red 9	—	—
Bromodichloromethane	75274	January 1, 1990	monohydrochloride	569619	July 1, 1989
Bromoethane	74964	December 22, 2000	C.I. Direct Blue 15	2429745	August 26, 1997
Bromoform	75252	April 1, 1991	C.I. Direct Blue 218	28407376	August 26, 1997
1,3-Butadiene	106990	April 1, 1988	C.I. Solvent Yellow 14	842079	May 15, 1998
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
Butylated hydroxyanisole	25013165	January 1, 1990	Cidofovir	113852372	January 29, 1999
beta-Butyrolactone	3068880	July 1, 1987	Cinnamyl anthranilate	87296	July 1, 1989
			Cisplatin	15663271	October 1, 1988
Cacodylic acid	75605	May 1, 1996	Citrus Red No. 2	6358538	October 1, 1989
Cadmium and cadmium compounds	—	October 1, 1987	Clofibrate	637070	September 1, 1996
Caffeic acid	331395	October 1, 1994	Cobalt metal powder	7440484	July 1, 1992
Captafol	2425061	October 1, 1988	Cobalt [II] oxide	1307966	July 1, 1992
Captan	133062	January 1, 1990	Cobalt sulfate	10124433	May 20, 2005
Carbazole	86748	May 1, 1996	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Coke oven emissions	—	February 27, 1987
Carbon tetrachloride	56235	October 1, 1987	Conjugated estrogens	—	February 27, 1987
Carbon-black extracts	—	January 1, 1990	Creosotes	—	October 1, 1988
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002			
Catechol	120809	July 15, 2003			
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990			



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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
para-Cresidine	120718	January 1, 1988	1,2-Diethylhydrazine	1615801	January 1, 1988
Cupferron	135206	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Cycasin	14901087	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cytembena	21739913	May 15, 1998	Diisopropyl sulfate	2973106	April 1, 1993
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Red No. 8	2092560	October 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 9	5160021	July 1, 1990	3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
Dacarbazine	4342034	January 1, 1988	3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Daminozide	1596845	January 1, 1990	Dimethyl sulfate	77781	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	4-Dimethylaminoazo- benzene	60117	January 1, 1988
Daunomycin	20830813	January 1, 1988	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDVP (Dichlorvos)	62737	January 1, 1989	Dimethylcarbamoyl chloride	79447	January 1, 1988
N,N'-Diacetylbenzidine	613354	October 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
2,4-Diaminoanisole	615054	October 1, 1990	1,2-Dimethylhydrazine	540738	January 1, 1988
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	Dimethylvinylchloride	513371	July 1, 1989
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	3,7-Dinitrofluoranthene	105735715	August 26, 1997
2,4-Diaminotoluene	95807	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
Diaminotoluene (mixed)	—	January 1, 1990	1,6-Dinitropyrene	42397648	October 1, 1990
Diazoaminobenzene	136356	May 20, 2005	1,8-Dinitropyrene	42397659	October 1, 1990
Dibenz[a,h]acridine	226368	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
Dibenz[a,j]acridine	224420	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Dibenz[a,h]anthracene	53703	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Dibenzo[a,e]pyrene	192654	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Diphenylhydantoin (Phenytin), sodium salt	630933	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Blue 6 (technical grade)	2602462	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Direct Brown 95 (technical grade)	16071866	October 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Disperse Blue 1	2475458	October 1, 1990
p-Dichlorobenzene	106467	January 1, 1989	Diuron	330541	May 31, 2002
3,3'-Dichlorobenzidine	91941	October 1, 1987	Epichlorohydrin	106898	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Erionite	12510428	October 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estradiol 17B	50282	January 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estragole	140670	October 29, 1999
1,1-Dichloroethane	75343	January 1, 1990			
Dichloromethane (Methylene chloride)	75092	April 1, 1988			
1,2-Dichloropropane	78875	January 1, 1990			
1,3-Dichloropropene	542756	January 1, 1989			
Dieldrin	60571	July 1, 1988			
Dienestrol	84173	January 1, 1990			
Diepoxybutane	1464535	January 1, 1988			
Diesel engine exhaust	—	October 1, 1990			
Di(2-ethylhexyl)phthalate	117817	January 1, 1988			

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Estrone	53167	January 1, 1988	Hydrazobenzene		
Estropipate	7280377	August 26, 1997	(1,2-Diphenylhydrazine)	122667	January 1, 1988
Ethinylestradiol	57636	January 1, 1988	1-Hydroxyanthraquinone	129431	May 27, 2005
Ethoprop	13194484	February 27, 2001			
Ethyl acrylate	140885	July 1, 1989	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Ethylbenzene	100414	June 11, 2004	Indium phosphide	22398807	February 27, 2001
Ethyl methanesulfonate	62500	January 1, 1988	IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990
Ethyl-4,4'-dichloro-benzilate	510156	January 1, 1990	Iprodione	36734197	May 1, 1996
Ethylene dibromide	106934	July 1, 1987	Iron dextran complex	9004664	January 1, 1988
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Isobutyl nitrite	542563	May 1, 1996
Ethylene oxide	75218	July 1, 1987	Isoprene	78795	May 1, 1996
Ethylene thiourea	96457	January 1, 1988	Isosafrole	120581	October 1, 1989
Ethyleneimine	151564	January 1, 1988	Isoxaflutole	141112290	December 22, 2000
Fenoxycarb	72490018	June 2, 2000	Lactofen	77501634	January 1, 1989
Folpet	133073	January 1, 1989	Lasiocarpine	303344	April 1, 1988
Formaldehyde (gas)	50000	January 1, 1988	Lead acetate	301042	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Lead and lead compounds	—	October 1, 1992
Fumonisin B <sub>1</sub>	116355830	November 14, 2003	Lead phosphate	7446277	April 1, 1988
Furan	110009	October 1, 1993	Lead subacetate	1335326	October 1, 1989
Furazolidone	67458	January 1, 1990	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Furmecyclox	60568050	January 1, 1990	Lynestrenol	52766	February 27, 2001
Fusarin C	79748815	July 1, 1995			
Ganciclovir sodium	82410320	August 26, 1997	Mancozeb	8018017	January 1, 1990
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	Maneb	12427382	January 1, 1990
Gemfibrozil	25812300	December 22, 2000	Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrdo[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Glu-P-2 (2-Aminodipyrdo[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
Glycidaldehyde	765344	January 1, 1988	Melphalan	148823	February 27, 1987
Glycidol	556525	July 1, 1990	Merphalan	531760	April 1, 1988
Griseofulvin	126078	January 1, 1990	Mestranol	72333	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydrazine)	16568028	January 1, 1988	Metham sodium	137428	November 6, 1998
HC Blue 1	2784943	July 1, 1989	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Heptachlor	76448	July 1, 1988	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Heptachlor epoxide	1024573	July 1, 1988	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004	Methylazoxymethanol	590965	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	Methylazoxymethanol acetate	592621	April 1, 1988
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	Methyl carbamate	598550	May 15, 1998
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Hexachloroethane	67721	July 1, 1990	5-Methylchrysene	3697243	April 1, 1988
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Hydrazine	302012	January 1, 1988	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988

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4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
Methyleugenol	93152	November 16, 2001	Nitrogen mustard N-oxide	126852	April 1, 1988
Methylhydrazine and its salts	—	July 1, 1992	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
Methyl iodide	74884	April 1, 1988	Nitromethane	75525	May 1, 1997
Methylmercury compounds	—	May 1, 1996	2-Nitropropane	79469	January 1, 1988
Methyl methanesulfonate	66273	April 1, 1988	1-Nitropyrene	5522430	October 1, 1990
2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988	4-Nitropyrene	57835924	October 1, 1990
N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988	N-Nitrosodi-n-butylamine	924163	October 1, 1987
N-Methylolacrylamide	924425	July 1, 1990	N-Nitrosodiethanolamine	1116547	January 1, 1988
Methylthiouracil	56042	October 1, 1989	N-Nitrosodiethylamine	55185	October 1, 1987
Metiram	9006422	January 1, 1990	N-Nitrosodimethylamine	62759	October 1, 1987
Metronidazole	443481	January 1, 1988	p-Nitrosodiphenylamine	156105	January 1, 1988
Michler's ketone	90948	January 1, 1988	N-Nitrosodiphenylamine	86306	April 1, 1988
Mirex	2385855	January 1, 1988	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Mitomycin C	50077	April 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Monocrotaline	315220	April 1, 1988	3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990
5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988	4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990
Mustard Gas	505602	February 27, 1987	N-Nitrosomethylethyl- amine	10595956	October 1, 1989
MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitroso-N-methylurea	684935	October 1, 1987
Nafenopin	3771195	April 1, 1988	N-Nitroso-N-methylurethane	615532	April 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosomethylvinyl- amine	4549400	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrosomorpholine	59892	January 1, 1988
1-Naphthylamine	134327	October 1, 1989	N-Nitrosornicotine	16543558	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosopiperidine	100754	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel acetate	373024	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
Nickel carbonate	3333673	October 1, 1989	o-Nitrotoluene	88722	May 15, 1998
Nickel carbonyl	13463393	October 1, 1987	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickel compounds	—	May 7, 2004	Norethynodrel	68235	February 27, 2001
Nickel hydroxide	12054487; 12125563	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickelocene	1271289	October 1, 1989	Oil Orange SS	2646175	April 1, 1988
Nickel oxide	1313991	October 1, 1989	Oral contraceptives, combined	—	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oral contraceptives, sequential	—	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	Oxadiazon	19666309	July 1, 1991
Niridazole	61574	April 1, 1988	Oxazepam	604751	October 1, 1994
Nitrilotriacetic acid	139139	January 1, 1988	Oxymetholone	434071	January 1, 1988
Nitrilotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxythioquinox	2439012	August 20, 1999
5-Nitroacenaphthene	602879	April 1, 1988	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
5-Nitro-o-anisidine	99592	October 1, 1989	Panfuran S	794934	January 1, 1988
o-Nitroanisole	91236	October 1, 1992	Pentachlorophenol	87865	January 1, 1990
Nitrobenzene	98953	August 26, 1997	Phenacetin	62442	October 1, 1989
4-Nitrobiphenyl	92933	April 1, 1988	Phenazopyridine	94780	January 1, 1988
6-Nitrochrysene	7496028	October 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrofen (technical grade)	1836755	January 1, 1988	Phenesterin	3546109	July 1, 1989
2-Nitrofluorene	607578	October 1, 1990	Phenobarbital	50066	January 1, 1990
Nitrofurazone	59870	January 1, 1990	Phenolphthalein	77098	May 15, 1998
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
			Phenyl glycidyl ether	122601	October 1, 1990

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Phenylhydrazine and its salts	—	July 1, 1992	Terrazole	2593159	October 1, 1994
o-Phenylphenate, sodium	132274	January 1, 1990	Testosterone and its esters	58220	April 1, 1988
o-Phenylphenol	90437	August 4, 2000	2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988
PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Polybrominated biphenyls	—	January 1, 1988	Tetrachloroethylene	—	—
Polychlorinated biphenyls	—	October 1, 1989	(Perchloroethylene)	127184	April 1, 1988
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Tetrafluoroethylene	116143	May 1, 1997
Polychlorinated dibenzofurans	—	October 1, 1992	Tetranitromethane	509148	July 1, 1990
Polygeenan	53973981	January 1, 1988	Thioacetamide	62555	January 1, 1988
Ponceau MX	3761533	April 1, 1988	4,4'-Thiodianiline	139651	April 1, 1988
Ponceau 3R	3564098	April 1, 1988	Thiodicarb	59669260	August 20, 1999
Potassium bromate	7758012	January 1, 1990	Thiouracil	141902	June 11, 2004
Primidone	125337	August 20, 1999	Thiourea	62566	January 1, 1988
Procarbazine	671169	January 1, 1988	Thorium dioxide	1314201	February 27, 1987
Procarbazine hydrochloride	366701	January 1, 1988	Tobacco, oral use of smokeless products	—	April 1, 1988
Procymidone	32809168	October 1, 1994	Tobacco smoke	—	April 1, 1988
Progesterone	57830	January 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Pronamide	23950585	May 1, 1996	ortho-Toluidine	95534	January 1, 1988
Propachlor	1918167	February 27, 2001	ortho-Toluidine hydrochloride	636215	January 1, 1988
1,3-Propane sultone	1120714	January 1, 1988	<del>para-Toluidine</del>	<del>406490</del>	<del>January 1, 1990</del>
Propargite	2312358	October 1, 1994	<del>Delisted October 29, 1999</del>	<del>406490</del>	<del>January 1, 1990</del>
beta-Propiolactone	57578	January 1, 1988	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Propylene glycol mono- <i>t</i> -butyl ether	57018527	June 11, 2004	Treosulfan	299752	February 27, 1987
Propylene oxide	75569	October 1, 1988	Trichloromethine (Trimustine hydrochloride)	817094	January 1, 1992
Propylthiouracil	51525	January 1, 1988	Trichloroethylene	79016	April 1, 1988
Pyridine	110861	May 17, 2002	2,4,6-Trichlorophenol	88062	January 1, 1988
Quinoline and its strong acid salts	—	October 24, 1997	1,2,3-Trichloropropane	96184	October 1, 1992
Radionuclides	—	July 1, 1989	Trimethyl phosphate	512561	May 1, 1996
Reserpine	50555	October 1, 1989	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Residual (heavy) fuel oils	—	October 1, 1990	Triphenyltin hydroxide	76879	July 1, 1992
Riddelliine	23246960	December 3, 2004	Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
<u>Saccharin</u>	<u>81072</u>	<u>October 1, 1989</u>	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
<u>Delisted April 6, 2001</u>	<u>81072</u>	<u>October 1, 1989</u>	Tris(2-chloroethyl) phosphate	115968	April 1, 1992
<u>Saccharin, sodium</u>	<u>428449</u>	<u>January 1, 1988</u>	Tris(2,3-dibromopropyl)phos- phate	126727	January 1, 1988
<u>Delisted January 17, 2003</u>	<u>428449</u>	<u>January 1, 1988</u>	Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Safrole	94597	January 1, 1988	Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998	Trypan blue (commercial grade)	72571	October 1, 1989
Selenium sulfide	7446346	October 1, 1989	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Shale-oils	68308349	April 1, 1990	Uracil mustard	66751	April 1, 1988
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	Urethane (Ethyl carbamate)	51796	January 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987	Vanadium pentoxide (orthorhombic crystalline form)	1314621	February 11, 2005
Spironolactone	52017	May 1, 1997	Vinclozolin	50471448	August 20, 1999
Stanozolol	10418038	May 1, 1997	Vinyl bromide	593602	October 1, 1988
Sterigmatocystin	10048132	April 1, 1988	Vinyl chloride	75014	February 27, 1987
Streptozotocin (streptozocin)	18883664	January 1, 1988	4-Vinylcyclohexene	100403	May 1, 1996
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003	4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Styrene oxide	96093	October 1, 1988	Vinyl fluoride	75025	May 1, 1997
Sulfallate	95067	January 1, 1988			
Talc containing asbestiform fibers	—	April 1, 1990			
Tamoxifen and its salts	10540291	September 1, 1996			



<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylani- line)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
<del>Zineb</del>	<del>12122677</del>	<del>January 1, 1990</del>
<del>Delisted October 29, 1999</del>	<del>12122677</del>	<del>January 1, 1990</del>

### CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminogluthethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991
Benzene	developmental, male	71432	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Bromacil lithium salt	developmental, male	53404196	May 18, 1999
1-Bromopropane	developmental, female, male	106945	January 17, 2003
2-Bromopropane	female, male	75263	December 7, 2004
Bromoxynil	developmental	1689845	May 31, 2005
Bromoxynil octanoate	developmental	1689992	October 1, 1990
Butabarbital sodium	developmental	143817	May 18, 1999
1,3-Butadiene	developmental, female, male	106990	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	April 16, 2004
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298464	January 29, 1999
Carbon disulfide	developmental, female, male	75150	July 1, 1989
Carbon monoxide	developmental	630080	July 1, 1989
Carboplatin	developmental	41575944	July 1, 1990
Chenodiol	developmental	474259	April 1, 1990
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998
Chlorambucil	developmental	305033	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
Chlordecone (Kepone)	developmental	143500	January 1, 1989
Chlordiazepoxide	developmental	58253	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
Cidofovir	developmental, female, male	113852372	January 29, 1999
Cladribine	developmental	4291638	September 1, 1996
Clarithromycin	developmental	81103119	May 1, 1997
Clobetasol propionate	developmental, female	25122467	May 15, 1998
Clomiphene citrate	developmental	50419	April 1, 1990
Clorazepate dipotassium	developmental	57109907	October 1, 1992
Cocaine	developmental, female	50362	July 1, 1989
Codeine phosphate	developmental	52288	May 15, 1998
Colchicine	developmental, male	64868	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725462	April 1, 1990
Cycloate	developmental	1134232	March 19, 1999
<del>Cyclohexanol</del>	<del>male</del>	<del>108930</del>	<del>November 6, 1998</del>
<del>Delisted January 25, 2002</del>			
Cycloheximide	developmental	66819	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Cyhexatin	developmental	13121705	January 1, 1989
Cytarabine	developmental	147944	January 1, 1989
Dacarbazine	developmental	4342034	January 29, 1999
Danazol	developmental	17230885	April 1, 1990
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
2,4-D butyric acid	developmental, male	94826	June 18, 1999
o,p'-DDT	developmental, female, male	789026	May 15, 1998
p,p'-DDT	developmental, female, male	50293	May 15, 1998
<del>2,4-DP (dichloroprop)</del>	<del>developmental</del>	<del>120365</del>	<del>April 27, 1999</del>
<del>Delisted January 25, 2002</del>			
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Diazepam	developmental	439145	January 1, 1992
Diazoxide	developmental	364987	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
Dichlorophene	developmental	97234	April 27, 1999
Dichlorophenamide	developmental	120978	February 27, 2001
Diclofop methyl	developmental	51338273	March 5, 1999
Dicumarol	developmental	66762	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Diflunisal	developmental, female	22494424	January 29, 1999
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Diltiazem hydrochloride	developmental	33286225	February 27, 2001

# CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 21-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990	Hydroxyurea	developmental	127071	May 1, 1997
<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990	Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999
<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990	Ifosfamide	developmental	3778732	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
2,6-Dinitrotoluene	male	606202	August 20, 1999	Isotretinoin	developmental	4759482	July 1, 1987
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Lead	developmental, female, male	—	February 27, 1987
Dinocap	developmental	39300453	April 1, 1990	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Dinoseb	developmental, male	88857	January 1, 1989	Levodopa	developmental	59927	January 29, 1999
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Levonorgestrel implants	female	797637	May 15, 1998
Disodium cyanodithio- imidocarbonate	developmental	138932	March 30, 1999	Linuron	developmental	330552	March 19, 1999
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline (internal use)	developmental	564250	July 1, 1990	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lorazepam	developmental	846491	July 1, 1990
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
Endrin	developmental	72208	May 15, 1998	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Epichlorohydrin	male	106898	September 1, 1996	Megestrol acetate	developmental	595335	January 1, 1991
Ergotamine tartrate	developmental	379793	April 1, 1990	Melphalan	developmental	148823	July 1, 1990
Estronipate	developmental	7280377	August 26, 1997	Menotropins	developmental	9002680	April 1, 1990
Ethionamide	developmental	536334	August 26, 1997	Meprobamate	developmental	57534	January 1, 1992
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Mercaptopurine	developmental	6112761	July 1, 1990
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene dibromide	developmental, male	106934	May 15, 1998	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methimazole	developmental	60560	July 1, 1990
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methotrexate	developmental	59052	January 1, 1989
Ethylene oxide	female	75218	February 27, 1987	Methotrexate sodium	developmental	15475566	April 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Etodolac	developmental, female	41340254	August 20, 1999	Methyl chloride	developmental	74873	March 10, 2000
Etoposide	developmental	33419420	July 1, 1990	Methyl mercury	developmental	—	July 1, 1987
Etretinate	developmental	54350480	July 1, 1987	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methyltestosterone	developmental	58184	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Metiram	developmental	9006422	March 30, 1999
Fluazifop butyl	developmental	69806504	November 6, 1998	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Fluorouracil	developmental	51218	January 1, 1989	Misoprostol	developmental	59122462	April 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Myclobutanil	developmental, male	88671890	April 16, 1999
Flurbiprofen	developmental, female	5104494	August 20, 1999	Nabam	developmental	142596	March 30, 1999
Flutamide	developmental	13311847	July 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Fluticasone propionate	developmental	80474142	May 15, 1998	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Fluvalinate	developmental	69409945	November 6, 1998	Netilmicin sulfate	developmental	56391572	July 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nickel carbonyl	developmental	13463393	September 1, 1996
Gemfibrozil	female, male	25812300	August 20, 1999	Nicotine	developmental	54115	April 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nifedipine	developmental, female, male	21829254	January 29, 1999
Halazepam	developmental	23092173	July 1, 1990	Nimodipine	developmental	66085594	April 24, 2001
Halobetasol propionate	developmental	66852548	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nitrofurantoin	male	67209	April 1, 1991
Halothane	developmental	151677	September 1, 1996	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Heptachlor	developmental	76448	August 20, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Histrelin acetate	developmental	—	May 15, 1998	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
				Norgestrel	developmental	6533002	April 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Oxadiazon	developmental	19666309	May 15, 1998
Oxazepam	developmental	604751	October 1, 1992
Oxydemeton methyl	female, male	301122	November 6, 1998
Oxymetholone	developmental	434071	May 1, 1997
Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Paclitaxel	developmental, female, male	33069624	August 26, 1997
Paramethadione	developmental	115673	July 1, 1990
Penicillamine	developmental	52675	January 1, 1991
Pentobarbital sodium	developmental	57330	July 1, 1990
Pentostatin	developmental	53910251	September 1, 1996
Phenacemide	developmental	63989	July 1, 1990
Phenprocoumon	developmental	435972	October 1, 1992
Pimozide	developmental, female	2062784	August 20, 1999
Pipobroman	developmental	54911	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procarbazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
Rifampin	male developmental, female	36791045 13292461	February 27, 2001 February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: May 27, 2005

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

#### NOTICE TO INTERESTED PARTIES

#### CHEMICALS LISTED EFFECTIVE **May 27, 2005** and **May 31, 2005** AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER OR REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *2-bromopropane (2-BP)* (CAS No. 75-26-3) and *1-hydroxyanthraquinone* (CAS No. 129-43-1) to the list of chemicals known to the state to cause cancer or reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5, Proposition 65). The listing of *1-hydroxyanthraquinone* is effective **May 27, 2005** and the listing of *2-bromopropane (2-BP)* is effective **May 31, 2005**.

Health and Safety Code section 25249.8(a) requires that certain substances identified by the International Agency for Research on Cancer (IARC) or the National Toxicology Program (NTP), as described in

Labor Code sections 6382(b)(1) and (d), be included on the Proposition 65 list. Labor Code section 6382(b)(1) references substances identified as human or animal carcinogens by IARC, and Labor Code section 6382(d) references substances identified as carcinogens or potential carcinogens by IARC or NTP. *1-Hydroxyanthraquinone* (CAS No. 129-43-1) was identified by the IARC as an animal carcinogen.

The basis for the listing of *1-hydroxyanthraquinone* on the Proposition 65 list was described in OEHHA's Request for Comments on Proposed Listing of *1-Hydroxyanthraquinone* As Known to Cause Cancer published in the December 10, 2004, issue of the *California Regulatory Notice Register* (Register 2004, No. 50-Z). Specifically, in 2002, IARC issued the monograph *Some Traditional Herbal Medicines, Some Mycotoxins, Naphthalene and Styrene* (Volume 82) in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. In this monograph, IARC concluded that, "there is sufficient evidence in experimental animals for the carcinogenicity of 1-hydroxyanthraquinone."

*2-Bromopropane (2-BP)* (CAS No. 75-26-3) is listed as a chemical known to the State of California to cause reproductive toxicity for the female and male endpoints. The listing of this chemical is based on a formal identification by an authoritative body (i.e., the National Toxicology Program ("NTP")) that the chemical causes female and male reproductive toxicity. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, Cal. Code of Regs. Section 12306.

The reader is directed to the Notice of Intent to List *2-Bromopropane (2-BP)* published in the April 1, 2005, issue of the *California Regulatory Notice Register* (Register 2005, No. 13-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical. The documentation was developed to explain the basis for listing this chemical via the authoritative bodies provision of Proposition 65.

Two public comments were received on the proposed listing of *1-hydroxyanthraquinone* during the 30-day comment period which closed on January 10, 2005. No public comments regarding the listing of *2-bromopropane (2-BP)* were received during the 30-day public comment period which closed on May 2, 2005.

OEHHA analyses of dose-response data to establish the no significant risk level (NSRL) for *1-hydroxyanthraquinone* and the maximum allowable dose level (MADL) for *2-bromopropane (2-BP)* under Proposition 65 have not been conducted. The priority status of the development of such analyses will be

announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

#### Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism <sup>1</sup>
1-Hydroxyanthraquinone	129-43-1	Cancer	LC

#### Reproductive Toxicity

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism <sup>1</sup>
2-Bromopropane (2-BP)	75-26-3	Female reproductive and male reproductive toxicity	AB

<sup>1</sup> Listing mechanism:

AB—"authoritative bodies" mechanism (Title 22, Cal. Code of Regs. Section 12306)

LC—"Labor Code" mechanism (Labor Code sections 6382(b)(1) and (d))

## **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

### **EXTENSION OF PUBLIC COMMENT PERIODS**

#### **NOTICE OF PROPOSED RULEMAKING TITLE 22, CALIFORNIA CODE OF REGULATIONS**

#### **AMENDMENTS TO SECTION 12705: SPECIFIC REGULATORY LEVELS POSING NO SIGNIFICANT RISK AMENDMENTS TO SECTION 12601: CLEAR AND REASONABLE WARNINGS**

On April 8, 2005, the Office of Environmental Health Hazard Assessment (OEHHA) announced three separate but related proposals to amend: (1) Title 22, California Code of Regulations, Section 12705 to add a new subsection providing an alternative risk level for the chemical acrylamide in breads and cereals; (2) Title 22, California Code of Regulations, Section 12705(b) to propose a level which would supersede the current regulatory level for acrylamide in Section 12705(c); and (3) Title 22, California Code of Regulations, Section 12601 to add new "Safe Harbor" provisions specific to warnings for acrylamide exposures from food.

In these April 8 notices the public comment periods were scheduled to close on May 24, 2005. OEHHA received requests that the comment periods be



extended for these regulatory actions in order for interested parties to have an opportunity to review the transcript of the May 9, 2005 public workshop concerning a conceptual regulation addressing natural constituents in foods that form listed chemicals when they are cooked or heat processed, along with the written comments submitted related to the workshop. Accordingly, OEHHA is announcing the extension of the public comment periods on the three proposed regulations to June 24, 2005.

Any written statements or arguments concerning any of these three regulatory actions, regardless of the form or method of transmission, must be received by OEHHA by not later than 5:00 p.m. on **Friday, June 24, 2005**, which is hereby designated as the close of the three written comment periods.

Written comments regarding these three proposed regulatory actions may be sent by mail, facsimile, or delivered by courier to:

Susan Luong  
Office of Environmental Health  
Hazard Assessment  
Proposition 65 Implementation Program  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Street Address: 1001 I Street, 19th Floor  
Sacramento, California 95814  
Telephone: (916) 445-6900  
FAX: (916) 323-8803

Comments may also be transmitted via email addressed to: [sluong@oehha.ca.gov](mailto:sluong@oehha.ca.gov). It is requested, but not required, that written statements or arguments be submitted in triplicate.

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

EXTENSION OF PUBLIC COMMENT PERIOD

WORKSHOP ON POTENTIAL REGULATORY  
ACTION EXEMPTING FROM THE  
PROPOSITION 65 WARNING REQUIREMENTS,  
EXPOSURES FROM CHEMICALS THAT FORM  
FROM NATURAL CONSTITUENTS IN FOOD  
DURING COOKING OR HEAT PROCESSING

On April 8, 2005 the Office of Environmental Health Hazard Assessment (OEHHA) announced a May 9, 2005 public workshop to explore a potential regulatory action exempting from the Safe Drinking

Water and Toxic Enforcement Act of 1986<sup>1</sup> (hereafter Proposition 65 or the Act) warning requirements, exposures to listed chemicals that form from natural constituents in food during cooking or heat processing. Comments related to this potential action were to be submitted by May 9, 2005. At the request of several interested parties, OEHHA extended the comment period to Monday, May 23, 2005 to allow workshop attendees and other interested parties the benefit of the discussions at the workshop in formulating their comments. At the May 9 workshop, requests were renewed to extend the comment period further to allow the public to review the transcript from the workshop which is expected to be available within the next two weeks. Accordingly, OEHHA is announcing the extension of the comment period for this workshop to June 6, 2005. Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **Monday, June 6, 2005**, in order to be included in the initial consideration of this issue. Further opportunities for public comment will be available in the event OEHHA proposes a formal regulatory action.

Written comments may be sent by mail, facsimile, or delivered by courier to:

Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Telephone: (916) 445-6900  
Fax No.: (916) 323-8803

Comments may also be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). It is requested, but not required, that written statements or arguments be submitted in triplicate.

**DISAPPROVAL DECISIONS**

**DECISIONS OF DISAPPROVAL OF  
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov). You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

<sup>1</sup> Health and Safety Code Section 25249.5 et seq.

**STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW  
(Gov. Code § 11349.3)  
OAL File No. 05-0329-02S**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**In re:**

**CALIFORNIA ENERGY COMMISSION**

**REGULATORY ACTION:**

**Title 20**

**California Code of Regulations**

**Adopt Sections 2800, 2801, 2810, 2811 2820, 2821,  
2822, 2823, 2830, 2831, 2832 2833, 2834, 2835, 2836,  
2840, 2841, 2842**

**DECISION SUMMARY**

This regulatory action by the California Energy Commission ("CEC") proposes to establish standards for applicants to be approved by the state as qualified to certify the emissions results of participants in the California Climate Action Registry ("CCAR"), or to be designated as a state-approved technical assistance provider advising CCAR participants. On May 9, 2005, the Office of Administrative Law ("OAL") disapproved the proposed regulations for the reasons summarized here and explained in detail below: The Commission did not conduct or reschedule a scheduled public hearing; Necessity has not been demonstrated for the level of experience required, the amount of liability insurance required, the passing score required, and the weighting of evaluation criteria; the Commission has not adequately responded to comments; the final text is not correctly formatted.

Date: May 11, 2005

LINDA C. BROWN  
Deputy Director

for: WILLIAM L. GAUSEWITZ  
DIRECTOR

Original: Mr. Joe Desmond  
cc: Ms. Lisa DeCarlo

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained

by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**BOARD OF REGISTERED NURSING  
Public Health Nurse Certification**

In this regulatory action, the Board of Registered Nursing amends a regulation pertaining to the qualifications and requirements for a Public Health Nurse Certificate.

Title 16

California Code of Regulations

AMEND: 1491

Filed 05/12/05

Effective 06/11/05

Agency Contact: Alcidia Valim (916) 323-8419

**DEPARTMENT OF DEVELOPMENTAL  
SERVICES**

**Vouchered Respite**

This Certificate of Compliance permits a service provider to receive a voucher for the costs of respite care. (Previous OAL file ## 04-0817-01E and 04-1216-01EE)

Title 17

California Code of Regulations

AMEND: 50604, 50605, 54310, 54320, 54326,  
54332, 54335

Filed 05/18/05

Effective 05/18/05

Agency Contact: Lisa Primeaux (916) 654-2199

**DEPARTMENT OF HEALTH SERVICES**

**Medical Laboratory Technician Licensing Standards**

This emergency regulatory action re-adopts the licensing standards for Medical Laboratory Technicians. (Previous OAL file # 05-0107-02E)

Title 17

California Code of Regulations

ADOPT: 1029.117, 1029.134, 1031.8, 1031.9,  
1032.5, 1035.3, 1035.4

Filed 05/12/05

Effective 05/14/05

Agency Contact:

Charles E. Smith

(916) 440-7690

**DEPARTMENT OF JUSTICE**

**Bond for Completion of Common Facilities**

The Department of Justice is submitting this Bond for Completion of Common Facilities for the Department of Real Estate. This is submitted for printing only.

Title 11

California Code of Regulations

ADOPT: 61.9

Filed 05/11/05

Effective 05/11/05

Agency Contact: Anne M. Burr (415) 703-1403

#### DEPARTMENT OF PESTICIDE REGULATION

##### Disclosure of Mill Assessment Reporting

This rulemaking action provides that the information on total dollar sales and total pounds or gallons of each registered and labeled pesticide reported to the department for mill assessment purposes shall be considered official information acquired in confidence pursuant to Government Code section 6254(k) and section 1040 of the Evidence Code. It also repeals an existing regulation which provides: "Whenever three or fewer registrants report sales of a pesticide product containing the same active ingredient, such reports will be considered trade secrets and will not be disclosed by the department."

Title 3

California Code of Regulations

AMEND: 6388

Filed 05/16/05

Effective 06/15/05

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

#### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

##### Conflict of Interest Code

The Department of Toxic Substances Control is amending its conflict of interest code found at title 22, section 66250, et seq., California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on March 17, 2005.

Title 22

California Code of Regulations

AMEND: 66250.1, 66250.2

Filed 05/17/05

Effective 06/16/05

Agency Contact: Mark Abrams (916) 322-2833

#### DIVISION OF WORKERS COMPENSATION

##### Official Medical Fee Schedule

Labor Code § 5307.1 requires that for the Calendar Years 2004 and 2005 the maximum reimbursable fees set forth in the existing Official Medical Fee Schedule for physician services must be reduced by five (5) percent. While the Administrative Director has discretion to reduce the fees for individual medical procedures by amounts different than five percent, in no event can the fee for a procedure be reduced to an amount that is less than that paid by the current Medicare payment system for the same procedure. Existing section 9789.11 of title 8 of the California Code of Regulations implements Labor Code section 5307.1 and in Table A sets forth the maximum fees for physician services rendered after July 1, 2004. This

emergency filing is a readoption of an emergency regulatory action which added a new Table A to section 9789.11 which included revisions and corrections to the prior physician fee schedule for services rendered after January 14, 2004. This emergency regulatory action also adopts another Table A to section 9789.11 which includes revisions and corrections to the prior physician fee schedules for services rendered on or after May 14, 2005.

Title 8

California Code of Regulations

AMEND: 9789.11

Filed 05/12/05

Effective 05/14/05

Agency Contact:

Richard Starkeson (415) 703-4993

#### FISH AND GAME COMMISSION

##### Nearshore Fishery Gear Endorsement Program

This amendment is a change without regulatory effect by the Commission pursuant to section 713 of the Fish and Game Code. The amendment increases the annual Nearshore Fishery Permit gear endorsement fee from \$75 to \$76.25 based on the Implicit Price Deflator (IPD) for State and Local Government Purchases of Goods and Services as required by Fish and Game Code section 713.

Title 14

California Code of Regulations

AMEND: 150.03

Filed 05/11/05

Effective 06/10/05

Agency Contact: Jon Snellstrom (916) 653-4899

#### FISH AND GAME COMMISSION

##### Nearshore Fishery Bycatch Permit Program

This amendment is a change without regulatory effect by the Commission pursuant to section 713 of the Fish and Game Code. The amendment increases the annual Nearshore Fishery Bycatch Permit annual fee from \$200 to \$203, based on the Implicit Price Deflator (IPD) for State and Local Government Purchases of Goods and Services as required by Fish and Game Code section 713.

Title 14

California Code of Regulations

AMEND: 150.05

Filed 05/11/05

Effective 06/10/05

Agency Contact: Jon Snellstrom (916) 653-4899

#### FISH AND GAME COMMISSION

##### Coonstripe Shrimp (*Pandalus Danae*) Fishing

This filing submitted under section 100 of title 1 of the California Code of Regulations revises the fee for

a commercial Coonstripe shrimp vessel trap permit from \$75.00 to \$76.25 pursuant to section 713 of the Fish and Game Code.

Title 14  
California Code of Regulations  
AMEND: 180.15  
Filed 05/11/05  
Effective 06/10/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Private Land Wildlife Habitat Enhancement and Management Area License

This nonsubstantive filing increased specified fees for Private Lands Wildlife Habitat Enhancement and Management Area ("PLM") licenses and tags pursuant to Fish and Game Code section 713. Nonsubstantive changes were also made to three incorporated by reference forms in order to have the fee amounts in the forms match the fee amounts in the regulation. A spelling correction of "anterless" to "antlerless" in the regulation was also made in this filing.

Title 14  
California Code of Regulations  
AMEND: 601  
Filed 05/11/05  
Effective 06/10/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Exchanging of Sport-Caught Fish

This nonsubstantive filing increases the fee for the exchanging of sport-caught fish from \$50 to \$50.75 pursuant to Fish and Game Code section 713.

Title 14  
California Code of Regulations  
AMEND: 231  
Filed 05/11/05  
Effective 06/10/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Restricted Access Spot Prawn Trap Fisher

The Commission proposes to amend § 180.3 of Title 14 as a change without regulatory effect. The amendment increases the Spot Prawn Trap Fishery permit fees based on the Implicit Price Deflator (IPD).

Title 14  
California Code of Regulations  
AMEND: 180.3  
Filed 05/12/05  
Effective 05/12/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**FISH AND GAME COMMISSION**

Pink Shrimp Trawling

This change without regulatory effect increases the annual fee for the transferable northern pink shrimp trawl vessel permit from \$1000 to \$1015 and increases the annual fee for a nontransferable northern pink shrimp trawl vessel permit from \$500 to \$507.50 pursuant to Fish and Game Code section 713.

Title 14  
California Code of Regulations  
AMEND: 120.01  
Filed 05/12/05  
Effective 06/11/05  
Agency Contact: Jon Snellstrom (916) 653-4899

**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998—  
AB 1506 (LCP)

This Certificate of Compliance increases the per pupil grant amounts as described in section 17072.10 and 17074.10 of the Education Code to accommodate the state's share of the increased costs of new construction of modernization projects due to the initiation and enforcement of labor compliance programs. (Previous OAL file # 04-1214-03E)

Title 2  
California Code of Regulations  
ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2,  
1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125,  
1859.125.1, 1859.145, 1859.163.1, 1859.164.2  
Filed 05/12/05  
Effective 05/12/05  
Agency Contact: Lisa Jones (916) 322-1043

**STATE WATER RESOURCES CONTROL BOARD**  
Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 23  
California Code of Regulations  
AMEND: 645  
Filed 05/17/05  
Effective 06/16/05  
Agency Contact: Marleigh Wood (916) 341-5169

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN DECEMBER 29, 2004  
TO MAY 18, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and



Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.164.2  
 05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802  
 05/02/05 ADOPT: 18640 AMEND: 18941.1, 18946, 18946.1, 18946.2, 18946.4  
 04/26/05 AMEND: 1859.2, 1859.42  
 04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10  
 03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74  
 03/02/05 AMEND: 1859.73.2, 1859.145.1  
 02/28/05 AMEND: 1859.2  
 02/28/05 AMEND: 1859.2  
 02/28/05 AMEND: 1859.71.3, 1859.78.5  
 02/24/05 AMEND: 211  
 02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2  
 02/15/05 AMEND: 1859.81  
 02/03/05 AMEND: 1859.106  
 02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2, 1859.60, 1859.61, 1859.78.6  
 01/31/05 AMEND: 1859.2, 1589.33, 1859.35, 1859.77.3, 1859.82, 1859.83  
 01/26/05 ADOPT: 20107  
 01/04/05 AMEND: 18703.4, 18730, 18940.2, 18942.1, 18943  
 01/03/05 ADOPT: Division 8, Chapter 108, Section 59530.  
 12/31/04 AMEND: 18545  
 12/31/04 ADOPT: 18229

**Title 3**

05/16/05 AMEND: 6388  
 05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i), 1392.4(j), 1392.9(c), 1392.9(d),  
 04/15/05 AMEND: 1446.9(c), 1454.16(c)  
 04/04/05 AMEND: 6400  
 03/07/05 ADOPT: 1392.8.1(3) AMEND: 1392.8.1.(2)  
 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4, 796.5, 796.6, 796.7, 796.8, 796.9 AMEND: Article 8 heading REPEAL: 795.10, 795.13, 795.14, 795.16, 795.17, 795.19, 795.30, 795.32, 795.33, 795.50  
 02/28/05 AMEND: 3430(b)  
 02/24/05 AMEND: 1280.2  
 02/23/05 AMEND: 3423(b)

02/15/05 ADOPT: 4603(g)  
 02/02/05 AMEND: 3430(b)  
 01/21/05 ADOPT: 3700  
 01/21/05 AMEND: 3700 (b)(c)  
 01/14/05 AMEND: 3700(c)  
 01/13/05 AMEND: 3962(a)

**Title 4**

04/27/05 AMEND: 1844, 1845  
 04/04/05 ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337  
 03/22/05 AMEND: 12250, 12270, 12271, 12272  
 02/28/05 AMEND: 2424  
 02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050  
 02/04/05 AMEND: 1371  
 01/28/05 ADOPT: 12270, 12271, 12272

**Title 5**

05/06/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 05/06/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19813, 19814, 19814.1  
 05/06/05 ADOPT: 18220.2, 18224.2, 18224.4, 1840.5, 18249 AMEND: 18220, 18240, 18248  
 05/06/05 ADOPT: 3075.1, 13075.2, 13075.3, 13075.4 AMEND: 13075  
 05/05/05 ADOPT: 80021, 80021.1  
 04/14/05 AMEND: 19836  
 03/24/05 ADOPT: 80307 AMEND: 80300, 80303, 80310, 80412 REPEAL: 80307  
 03/21/05 AMEND: 19828.1  
 03/02/05 AMEND: 55607, 59509 REPEAL: 55310  
 02/10/05 ADOPT: 19817.1, 19826.1, 19828.1, 19837 AMEND: 19814, 19814.1, 19817, 19826, 19828  
 02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544, 9545, 9546, 9547, 9548, 9549, 9550  
 01/31/05 AMEND: 80048.3, 80457, 80523.1 REPEAL: 80413.1  
 01/19/05 ADOPT: 19814.1, 19832, 19833, 19834, 19835, 19836 REPEAL: 19814  
 01/10/05 ADOPT: 3088.1, 3088.2

**Title 8**

05/12/05 AMEND: 9789.11  
 04/29/05 AMEND: 3456  
 04/28/05 AMEND: 1637  
 04/19/05 REPEAL: 16003  
 04/14/05 AMEND: 8354, 8397.10, 8397.11, 8397.12, 8397.13.  
 04/06/05 AMEND: 230.2

04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,  
9792.10, 9792.11 REPEAL: 9792.6  
03/16/05 AMEND: 344.30  
03/08/05 AMEND: 15220, 15220.1, 15220.3,  
15220.4  
03/07/05 AMEND: 5144  
02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
9767.10, 9767.11, 9767.12, 9767.13,  
9767.14  
02/04/05 AMEND: 5146  
01/26/05 AMEND: 5144  
01/26/05 AMEND: 3456  
01/24/05 AMEND: 3427  
12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,  
9768.5, 9768.6, 9768.7, 9768.8, 9768.9,  
9768.10, 9768.11, 9768.12, 9768.13,  
9768.14, 9768.15, 9768.16, 9768.17  
12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,  
9727, 9785, 9785.2, 9785.3, 9805, 10150,  
10152, 10156, 10158, 10160, 10163,  
10165.5 REPEAL: 10151, 10154  
12/30/04 AMEND: 3380(d)

**Title 9**

03/25/05 ADOPT: 13000, 13005, 13010, 13015,  
13020, 13025, 13030, 13035, 13040,  
13045, 13050, 13055, 13060, 13065,  
13070, 13075 AMEND: 9846, 10125,  
10564  
01/25/05 AMEND: 9525

**Title 10**

05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11,  
2806, 2807, 2807.1, 2807.2, 2807.3,  
2807.4, 2808, 2809, 2809.1, 2809.2,  
2809.3, 2809.5, 2810, 2810.5, 2811  
AMEND: 2814 REPEAL: 2805, 2805.1,  
2805.1.5, 2806, 2806.5, 2810, 2810.1,  
2810.2, 2810.3, 2810.4, 2810.6,  
04/29/05 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41 REPEAL: 2698.40, 2698.41,  
2698.42, 2698.43, 2698.44, 2698.45  
04/01/05 ADOPT: 2218.60, 2218.61, 2218.62,  
2218.63  
04/01/05 AMEND: 260.140.72, 260.140.72.1,  
260.140.72.5  
03/25/05 AMEND: 1556  
03/17/05 ADOPT: 2712 AMEND: 2835, 2840,  
2840.1, 2851, 2930  
03/02/05 AMEND: 2318.6, 2353.1, 2354  
02/09/05 AMEND: 260.165  
01/14/05 AMEND: 2498.6  
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100,  
2699.200, 2699.201, 2699.205, 2699.209,  
2699.400, 2699.401, 2699.6500,

2699.6600, 2699.6606, 2699.6607,  
2699.6611, 2699.6613, 2699.6617,  
2699.6619, 2699.6625, 2699.6631,  
2699.6705, 2699.6715, 2699.6717,  
2699.6725, 2699.

**Title 11**

05/11/05 ADOPT: 61.9  
05/09/05 ADOPT: 28.4  
05/04/05 ADOPT: 61.8  
05/04/05 AMEND: 51.2  
05/04/05 AMEND: 51.7  
05/04/05 ADOPT: 51.23  
05/04/05 ADOPT: 51.25  
05/03/05 AMEND: 51.14  
05/03/05 AMEND: 51.24  
05/03/05 AMEND: 51.12  
05/03/05 AMEND: 51.15  
03/30/05 AMEND: 970, 970.1, 971, 972, 972.1,  
972.2, 972.4, 972.5, 972.6, 972.7, 972.9,  
973, 973.1, 974, 974.1, 975, 975.1, 975.2,  
975.3, 975.4, 975.5, 975.6, 976, 976.1,  
976.2, 976.3, 976.4 REPEAL: 975.1  
03/30/05 ADOPT: 2037, 2038 AMEND: 2010,  
2037, 2038, 2050  
03/15/05 ADOPT: 996  
02/18/05 AMEND: 63.5  
02/16/05 AMEND: 995.5  
01/26/05 AMEND: 1080  
01/19/05 ADOPT: 968.97, 968.99 AMEND:  
968.20, 968.35, 968.44, 968.60  
01/05/05 ADOPT: 51.22  
01/03/05 AMEND: 51.17  
01/03/05 AMEND: 26.4

**Title 12**

02/16/05 AMEND: 503(f)

**Title 13**

05/03/05 ADOPT: 159.10  
03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22  
03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181,  
2184, 2185, 2186, 2192, 2194  
03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5,  
2262.6, 2262.9, 2263, 2265, 2266.5  
02/22/05 AMEND: 220.04, 220.12, 221.12  
02/08/05 AMEND: 330.32  
02/02/05 AMEND: 124.92, 124.93  
01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4  
01/27/05 ADOPT: 2485  
01/26/05 ADOPT: 15.07  
01/07/05 AMEND: 1969  
01/04/05 AMEND: 553.70

**Title 14**

05/12/05 AMEND: 120.01  
05/12/05 AMEND: 180.3  
05/11/05 AMEND: 180.15  
05/11/05 AMEND: 231

05/11/05 AMEND: 601  
 05/11/05 AMEND: 150.03  
 05/11/05 AMEND: 150.05  
 05/10/05 AMEND: 551  
 05/10/05 AMEND: 150.02  
 05/10/05 AMEND: 150  
 05/05/05 AMEND: 165  
 04/25/05 AMEND: 851.23  
 04/25/05 ADOPT: 1038(i) AMEND: 1038(e)  
 04/25/05 ADOPT: 18456.2.1, 18460.2.1 AMEND:  
 18449, 18450, 18451, 18456, 18459,  
 18459.1, 18459.2.1, 18459.3, 18461,  
 18462  
 04/22/05 AMEND: 149.1  
 04/19/05 AMEND: 670.2  
 04/13/05 AMEND: 2030, 2305, 2310, 2505, 2960  
 04/11/05 ADOPT: 4970.02, 4970.03, 4970.04,  
 4970.05, 4970.06, 4970.07, 4970.08,  
 4970.09, 4970.10, 4970.11, 4970.12,  
 4970.13, 4970.14, 4970.15, 4970.16,  
 4970.17, 4970.18, 4970.19, 4970.20,  
 4970.21 AMEND: 4970.00, 4970.01 RE-  
 PEAL: 4970.02, 4970.03, 4970.04,  
 4970.05  
 04/07/05 ADOPT: 1.71 AMEND: 2.09, 2.10, 5.00  
 04/04/05 AMEND: 119900  
 03/30/05 AMEND: 825.03, 825.05, 826.01,  
 826.03, 829.04, 829.05, 827.02  
 03/30/05 AMEND: 852, 852.2, 852.3  
 03/28/05 ADOPT: 53.00, 53.01, 53.02, 53.03,  
 149.1, 149.3 AMEND: 149  
 03/25/05 ADOPT: 745.5 AMEND: 746  
 03/14/05 AMEND: 150  
 03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7,  
 122, 123, 149, 165, 180, 630, 632, 747  
 REPEAL: 27.20, 27.25, 27.30, 27.35,  
 27.40, 27.42, 27.45, 27.50, 27.51, 630.5  
 03/01/05 AMEND: 52.10, 150.16  
 02/28/05 AMEND: 670.5  
 02/28/05 ADOPT: 125  
 02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052,  
 1052.1  
 01/31/05 AMEND: 17943, 17944  
 01/28/05 ADOPT: 3806.3, 3806.5  
 01/11/05 ADOPT: 25201  
 01/10/05 ADOPT: 800.6 AMEND: 800, 800.5,  
 801, 802  
 01/07/05 ADOPT: 1038(i) AMEND: 1038(e)

**Title 15**

03/01/05 ADOPT: 3999.1.8, 3999.1.9, 3999.1.10,  
 3999.1.11  
 01/31/05 ADOPT: 3436  
 01/31/05 ADOPT: 4141, 4141.1  
 01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751  
 01/06/05 AMEND: 2000, 2400, 2403  
 12/30/04 AMEND: 3097

12/29/04 ADOPT: 3000 AMEND: 3005, 3044,  
 3062, 3313, 3314, 3315, 3323, 3376  
 REPEAL: 3045.1

**Title 16**

05/12/05 AMEND: 1491  
 05/10/05 ADOPT: 2293, 2294  
 04/28/05 ADOPT: 1070.3  
 04/25/05 AMEND: 1805.1, 1807, 1807.2, 1811,  
 1816, 1816.1, 1816.4, 1833, 1833.1,  
 1833.2, 1846, 1846.1, 1850.7, 1874,  
 1886, 1887.4, 1887.9, 1889, 1889.1,  
 1889.2, 1889.3  
 04/21/05 AMEND: 1399.155  
 04/21/05 AMEND: 1398.38  
 04/14/05 AMEND: 1398.30  
 04/14/05 AMEND: 54.1, 54.2  
 04/14/05 AMEND: 1071, 1083  
 03/28/05 AMEND: 1399.688  
 03/17/05 ADOPT: 869.1, 869.2, 869.3, 869.4,  
 869.5  
 03/16/05 ADOPT: 4160, 4161, 4162, 4163  
 03/08/05 ADOPT: 4200, 4202, 4204, 4206, 4208,  
 4210, 4212, 4216, 4218, 4220, 4222,  
 4224, 4226, 4230, 4232, 4234, 4236,  
 4240, 4242, 4244, 4246, 4248, 4250,  
 4252, 4254, 4256, 4258, 4260, 4262,  
 4264, 4266, 4268  
 03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615,  
 2624  
 03/07/05 ADOPT: 1358.1  
 03/07/05 ADOPT: 2755 AMEND: 2756  
 03/03/05 AMEND: 1399.500, 1399.501, 1399.502,  
 1399.506, 1399.512, 1399.521, 1399.530,  
 1399.543, 1399.546 REPEAL: 1399.519,  
 1399.522, 1399.553, 1399.554, 1399.555  
 03/01/05 AMEND: 1005  
 01/31/05 AMEND: 1319, 1319.4, 1321, 1322,  
 1326, 1328, 1329, 1351  
 01/24/05 AMEND: 1379.20  
 01/20/05 AMEND: 3008, 3031, 3041, 3042,  
 3062.1  
 01/13/05 AMEND: 1588  
 01/12/05 ADOPT: 1355.35  
 01/06/05 ADOPT: 1042, 1042.1, 1042.2, 1042.3,  
 1042.3, 1042.4, 1042.5, 1042.6  
 12/29/04 AMEND: 2526, 2529, 2532, 2533, 2534,  
 2581, 2584, 2586, 2587, 2588, 2588.1

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05/18/05 AMEND: 50604, 50605, 54310, 54320,  
 54326, 54332, 54335  
 05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,  
 1031.9, 1032.5, 1035.3, 1035.4  
 05/02/05 ADOPT: 50243, 50245, 50247, 50249,  
 50251, 50253, 50255, 50257, 50259,  
 50261, 50262, 50263, 50265, 50267  
 04/26/05 AMEND: 3030

04/04/05 AMEND: 93115  
 03/30/05 ADOPT: 54351, 58800, 58811, 58812,  
 AMEND: 54302, 54310, 54320, 54370  
 03/24/05 AMEND: 94011  
 03/03/05 ADOPT: 90805, 90806 AMEND:  
 90800.8, 90803  
 02/09/05 ADOPT: 93116, 93116.1, 93116.2,  
 93116.3, 93116.4, 93116.5  
 01/13/05 ADOPT: 1029.117, 1029.134, 1031.8,  
 1031.9, 1032.5, 1035.3, 1035.4  
 01/06/05 AMEND: 94011  
 12/31/04 ADOPT: 50243, 50245, 50247, 50249,  
 50251, 50253, 50255, 50257, 50259,  
 50261, 50262, 50263, 50265  
 12/31/04 AMEND: 6508

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05/05/05 AMEND: 18522, 18526, 18523, 18530  
 05/04/05 AMEND: 6001  
 04/29/05 ADOPT: 4056.1  
 04/07/05 AMEND: 1703  
 03/30/05 AMEND: 5041, 5073, 5076, 5082.2  
 03/18/05 AMEND: 27  
 03/18/05 AMEND: 1566  
 03/15/05 ADOPT: 20501, 20502, 20503, 20504,  
 20505  
 03/08/05 AMEND: 1610  
 03/03/05 AMEND: 1620  
 02/18/05 AMEND: 305.3  
 02/17/05 AMEND: 1045  
 02/16/05 AMEND: 1525.2  
 02/15/05 AMEND: 1525.3  
 02/08/05 AMEND: 1802  
 01/28/05 AMEND: 25130, 25137  
 01/13/05 AMEND: 1825  
 01/13/05 AMEND: 1589  
 01/12/05 AMEND: 1805  
 01/11/05 AMEND: 1630  
 01/07/05 AMEND: 18001-1  
 01/06/05 AMEND: 1603  
 01/06/05 AMEND: 1619  
 01/04/05 AMEND: 5060, 5061, 5062, 5063, 5064

#### Title 19

03/01/05 AMEND: 2703(d), 2705(b), 2705 (Emer-  
 gency Release Follow-Up Notice Report-  
 ing Form Instructions)

#### Title 20

03/16/05 AMEND: 1601, 1602, 1603, 1605.1,  
 1605.2, 1605.3, 1606, 1607, 1608  
 03/07/05 ADOPT: 2.3.1 AMEND: 8.2  
 02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3,  
 8.2, 14.5, 15, 17.1, 30, 31, 45, 47, 48,  
 51.1, 75, 77.2, 82, 86.2, 88  
 01/31/05 AMEND: 1345, 1347, 1348

#### Title 22

05/17/05 AMEND: 66250.1, 66250.2  
 05/05/05 ADOPT: 97251, 97252, 97253, 97254,  
 97255, 97256, 97257, 97258, 97259,  
 97260, 97261, 97262, 97263, 97264,  
 97265 AMEND: 97210, 97211, 97212,  
 97213, 97215, 97216, 97218, 97219,  
 97220, 97221, 97222, 97223, 97224,  
 97225, 97226, 97227, 97228, 97229,  
 97230,  
 04/21/05 AMEND: Appendix  
 04/11/05 AMEND: 66260.201  
 04/11/05 AMEND: 111430  
 03/24/05 AMEND: 70577, 70717, 71203, 71517,  
 71545  
 03/23/05 ADOPT: 96000, 96005, 96010, 96015,  
 96020, 96025  
 03/23/05 ADOPT: 50960.2, 50960.4, 50960.9,  
 50960.12, 50960.15, 50960.21, 50960.23,  
 50960.26, 50960.29, 50960.32, 50960.36,  
 50961, 50965 AMEND: 50962, 50963,  
 50964 REPEAL: 50960, 50961  
 03/14/05 AMEND: 926.3, 926.4, 926.5  
 03/10/05 AMEND: 70217  
 03/03/05 REPEAL: 12901  
 01/27/05 ADOPT: 51000.10.1, 51000.15.1,  
 51000.20.9, 51000.31, 51000.51,  
 51000.52, 51000.53, 51000.60 AMEND:  
 51000.1, 51000.1.1, 51000.3, 51000.4,  
 51000.6, 51000.7, 51000.16, 51000.30,  
 51000.35, 51000.40, 51000.45, 51000.50,  
 51000.55, 51051, 51451  
 01/13/05 AMEND: 66262.34, 66264.145,  
 66266.103, 66268.7, 66268.34, 66270.60,  
 66271.33, 67391.1  
 01/03/05 AMEND: 50960, 50961

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05/09/05 AMEND: 80044, 80045, 80066, 80070,  
 84063, 87344, 87345, 87566, 87570,  
 87571, 87725, 87725.12, 87844, 87866,  
 87870, 88069.7, 88070, 89119, 89182,  
 89244, 89245, 89370, 89566, 101200,  
 101201, 101217, 101221, 102391,  
 102392

#### Title 23

05/17/05 AMEND: 645  
 03/28/05 AMEND: 2611  
 03/11/05 ADOPT: 3944.1  
 02/08/05 ADOPT: 3939.12  
 01/21/05 ADOPT: 3965  
 01/05/05 ADOPT: 3939.12

#### Title 25

04/25/05 AMEND: 7056, 7060, 7062.1, 7064,  
 7066, 7078.4



04/14/05 ADOPT: 7340, 7341, 7342, 7343, 7344,  
7345, 7346, 7347

04/07/05 AMEND: 6935, 6935.2

02/02/05 ADOPT: 1338.1, 1443.1 AMEND: 1338

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02/03/05 AMEND: 1000

**Title MPP**

04/22/05 AMEND: 42-101

02/16/05 ADOPT: 31-503 AMEND: 31-206, 45-  
201

01/25/05 AMEND: 63-300, 63-504

